



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 03089-20 N.H.

AGENCY DKT. NO. C397068007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 5, 2020, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 5, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, at the time Petitioner initially applied for EA benefits on December 11, 2019, she was behind in her rent for the months of November and December 2019. See Initial Decision at 3. On that same date, Petitioner was approved for EA benefits, and the Agency agreed to pay \$4,030 to Petitioner's landlord in a timely manner. See Initial Decision at 3; see also Exhibit R-1. However, the Agency did not pay Petitioner's landlord, but rather, sent Petitioner another notice on January 14, 2020, advising her that approval for EA benefits was pending receipt of certain documentation within ten days of the date of said notice. See Initial Decision at 3; see also Exhibit R-2. The ALJ found Petitioner credible when she testified that she had not received that notice, and as a result, she failed to provide the requested documentation, her landlord went unpaid, and the current eviction was filed. See Initial Decision at 3-4; see also Exhibits P-3, P-4. Thereafter, at the direction of the Agency, Petitioner reapplied for EA benefits, but was denied said benefits by the Agency on the basis that she had the resources and the realistic capacity to plan to avoid her emergency, but failed to do so. See Initial Decision at 4-5; see also Exhibits R-3, R-5, and R-7, and N.J.A.C. 10:90-6.1(c)(1). However, based upon what the ALJ found to be several egregious administrative missteps by the Agency, the ALJ concluded that Petitioner did not have the capacity to plan to avoid her emergency situation. Specifically, the ALJ found that Petitioner had relied upon the Agency's approval of EA benefits to assist with the payment of her back rent and consequently, had spent some of her available funds on necessary items for her family. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(1)(ii). Subsequently, Petitioner was able to pay her back rent for the months of November and December 2019, but is currently behind in her rent for the months of January, February, and March 2020. See Initial Decision at 6; see also Exhibit P-2. Based on the foregoing, the ALJ concluded that the Agency improperly denied Petitioner EA benefits, and ordered the Agency to provide Petitioner with EA benefits in the form of Temporary Rental Assistance



for the months of January, February, March, and April 2020, or to provide EA benefits in the form of shelter placement if the current eviction cannot be averted. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c)(e). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

MAR 11 2020

Natasha Johnson
Assistant Commissioner

