



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
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 00193-20 T.C.

AGENCY DKT. NO. C218148007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of two months of back rent. The Agency denied Petitioner EA benefits, contending that she had sufficient income to pay her rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 10, 2020, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 10, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, in order to prevent Petitioner's imminent homelessness and to facilitate her continued self-sufficiency, and based on Petitioner's particular circumstances, specifically the fact that she is currently employed and has continued to pay her rent going forward, I agree with the ALJ's reversal of the Agency's denial of EA benefits to Petitioner in the form of two months back rent. See Initial Decision at 2-3; see also Exhibits P-1, R-1 at 41-45, 53-55, 57-60, 64-75, and N.J.A.C. 10:90-1.1(c), -6.1(c). Further, I concur with the ALJ's conclusion that the Agency shall provide Petitioner with EA benefits in the form of back rent for the months of April and May 2019, only, upon proof from Petitioner's landlord that said back rent is currently owed, and upon documentation of the correct amount of past due rent owed. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(a)(5).

Exceptions to the Initial Decision were received from the Agency on January 15, 2020.

As the Director of the 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.

By way of comment, the record reflects that Petitioner has exhausted her lifetime limit of EA benefits, and does not qualify for any further extension of said benefits. Accordingly, Petitioner is advised that, other than the two months of back rent ordered to be provided to her herein, she is currently ineligible for any additional EA benefits going forward. See Initial Decision at 3; see also Exhibit R-1 at 3-40, and N.J.A.C. 10:90-6.4(a), (b), (c).



By way of further comment, I have reviewed the Exceptions filed by the Agency, and for the reasons outlined above, I find that the arguments made in the Exceptions do not alter my decision in this matter.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

JAN 15 2020

