



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting 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 06538-21 T.E.

AGENCY DKT. NO. C238439007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's rescission of Emergency Assistance ("EA") benefits in the form of shelter placement. The Agency rescinded Petitioner's EA benefits, contending that she had failed to show up at the Agency offered shelter placement, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. At 9:00 a.m., on August 6, 2021, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing. Petitioner called in to the telephonic hearing at 9:00 a.m., but the Agency did not. The ALJ rescheduled the hearing to 9:30 a.m., 10:00 a.m., and 10:30 a.m., and made several attempts to contact the Agency to attend, but was unsuccessful. Petitioner called in at each rescheduled hearing time, but the Agency did not. As a result, and based on Petitioner's emergent situation, the ALJ placed Petitioner's testimony on the record, resolved the matter, and closed the record on August 6, 2021. See Initial Decision at 2, 5. No documents were admitted into evidence.

On August 9, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on Petitioner's credible testimony, and the Agency's failure to attend the hearing to provide any countervailing testimony, the ALJ found that Petitioner had good cause for failing to show up at the shelter placement offered by the Agency on the evening of July 15, 2021. See Initial Decision at 2-3, 5. Specifically, the ALJ found Petitioner credible when she testified that she had planned on going to the shelter on the date and time scheduled, but her transportation had fallen through and she had no other way to get herself, her daughter, and their belongings, to the shelter at that time. *Ibid.* Petitioner further testified that she had procured transportation for the next day and was in route to the shelter when she was advised by the Agency that her shelter benefits had been rescinded for failure to report to the shelter on the evening of July 15, 2021. *Id.* at 3. Based on the foregoing, the ALJ concluded that the Agency's rescission of Petitioner's EA benefits in the form of shelter placement was improper and must be reversed. *Id.* at 5-6; see also N.J.A.C. 10:90-6.1(c). I agree.

Exceptions to the Initial Decision were filed by the Agency on August 9, 2021.



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.

By way of comment, as the record indicates that Petitioner is imminently homeless, the Agency is directed to expedite the housing placement of Petitioner, if it has not done so already. Id. at 3.

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

Officially approved final version.

AUG 12 2021

Natasha Johnson

Assistant Commissioner

