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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 **07127-23 A.D.**

AGENCY DKT. NO. **C281376009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she failed to pay her portion of rent, resulting in eviction from her housing, thereby causing her own homelessness, and for failure to submit documentation of actual rent owed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 10, 2023, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 11, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, based on Petitioner's credible testimony, and substantiating documentation, the ALJ found that Petitioner had good cause for failing to pay her portion of the rent and that she had timely provided the Agency with the documentation it had requested. See Initial Decision at 2-3; see also Exhibits P-1, P-2, R-3. Specifically, the ALJ found that Petitioner had faithfully paid her rent, and necessary household expenses, until such time as she had lost her employment and her Unemployment Insurance Benefits ("UIB") had run out, and that she had actively sought employment after the loss of her job and during the time that she had been collecting UIB. See Initial Decision at 4-5. Moreover, the ALJ found that the Agency witness did not have sufficient knowledge of Petitioner's case, and that the Agency's denial of EA benefits to Petitioner, on the bases that she caused her own homelessness and failed to provide required documentation, were not supported by the facts in this case or the regulations governing EA benefits eligibility. See Initial Decision at 3-5; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.1(c)(3). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and imposition



of a six-month EA ineligibility penalty were improper and must be reversed. See Initial Decision at 5; see also Exhibits R-1, R-2. I agree.

Further, the ALJ ordered the Agency to reinstate Petitioner's July 26, 2023, EA benefits application, and to reevaluate said application, taking into account the documents already provided by Petitioner or obtained by the Agency and, within 10 days of receipt of the Initial Decision, and to provide Petitioner with a written request identifying any additional documents required to determine her EA benefits eligibility. See Initial Decision at 5-6. The ALJ also ordered that Petitioner shall have 20 business days to provide any additional information requested by the Agency. *Ibid.* While I agree with these directives, I hereby modify the time frame within which to reevaluate Petitioner's EA application, to 10 days from receipt of this Final Agency Decision, rather than from receipt of the Initial Decision. The Initial Decision is modified to reflect this change in time frame.

By way of comment, the Agency is to provide Petitioner with immediate need housing assistance during the EA benefits application reevaluation period. See N.J.A.C. 10:90-1.3(a)(1).

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency for action, as outlined above.

Officially approved final version.

August 17, 2023

Natasha Johnson
Assistant Commissioner

