



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 **00827-23 L.P.**

AGENCY DKT. NO. **C063724012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she failed to comply with her EA service plan ("SP") by failing to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 30, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open for Petitioner to provide additional documents, and such documents having been provided also on January 30, 2023, the record then closed. On January 31, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on January 31, 2023.

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, the ALJ's Initial Decision is hereby **ADOPTED**, the Agency's determination is **REVERSED**, and the matter is **REMANDED** to the Agency for action, based on the discussion below.

Here, the Agency acknowledged that Petitioner had provided it with all requested documentation except for a letter from the Section 8 housing authority regarding the status of her Section 8 voucher, and as such, this was the only issue decided upon in the Initial Decision. See Initial Decision at 3 fn 1; see also Exhibits R-2 at 2, R-11, R-12, R-13. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. *Id.* at 2-8. Specifically, the ALJ found that the relevant facts of this matter were confusing, that the circumstances surrounding Petitioner's Section 8 housing eviction could not be determined, and that it could not be determined whether or not she was still eligible for Section 8 housing, facts needed to determine her eligibility for EA benefits. See Initial Decision at 3-4, 6; see also Exhibits P-10, P-11, R-10, R-14, R-18, R-19, R-21 at 2 and N.J.A.C. 10:90-2.2(a)(5). The ALJ also found that Petitioner was never required to pay \$1,981 per month in rent, the non-payment of which was the alleged basis for her Section 8 housing eviction complaint. See Initial Decision at 3, 6; see also Exhibit R-19. Further, ALJ also found that Petitioner had diligently attempted to obtain the required



documentation, but was unable to do so, and taking into consideration Petitioner's particular mental health and familial circumstances, found that the Agency had an obligation to assist Petitioner with obtaining said documentation, but failed to do so. See Initial Decision at 4-6, 8; see also Exhibits R-11, R-15, R-16, R-17, and N.J.A.C. 10:90-1.6(a), -6.3(g). Of note, the record indicates that Petitioner is not currently homeless. Based on the testimony and documentary evidence provided, the ALJ reversed the Agency's termination of Petitioner's EA benefits and ordered the Agency to reassess Petitioner's EA eligibility after it has obtained the requisite documents from the appropriate agencies (The Department of Housing and Urban Development and/or the Department of Community Affairs "(DCA)") or the court (warrant of removal, order of eviction). See Initial Decision at 7-8; see also Exhibit R-10.

Based upon an independent review of record in this case, I agree with the ALJ's analysis, and find that the facts in this matter are confusing, particularly when compared to the documentary evidence presented. Documentation for landlord/tenant court reflects that the first month of alleged unpaid rent was in February 2021, the total months of rent unpaid is nine, the monthly rental amount is \$1,981.00, and the total balance owed, as of November, 2021, was \$14,957.50. See Exhibit R-19 at 1, 3. Dividing this total of rental arrears, \$14,957.50, by the total months of 9, gives a monthly amount of \$1,661.94, which is clearly below the full monthly rental amount. As Petitioner was, at that time, supposed to have been receiving Section 8 rental assistance, the question remains what was happening with the rental assistance payments. Clearly, if Petitioner alone had not been paying her requisite portion of the rent, the amount being sued for in landlord/tenant court would be significantly less, and does beg the question whose lack of rental payments resulted in the eviction complaint being filed in late 2021. Moreover, given the contradictory letters sent to Petitioner, by the DCA, Division of Housing and Community Resources, Housing Assistance Program – Middlesex Field Office, of November 24, 2021, advising Petitioner that she was responsible for her full rental amount of \$1,981 effective January 1, 2022, and the second letter of June 28, 2022, from that same office, indicating continued rental assistance and stating Petitioner's share of \$471, further clarification into what actually happened, and what Petitioner's current voucher status actually is, are needed in this case. I do not find that the email provided by a representative from the DCA, Middlesex Field Office, is adequate to fully explain what exactly transpired in this matter. See Exhibit R-14. Based on the foregoing, I fully concur with the ALJ that the Agency is in a much better position to assist with/obtain the full background from the requisite agencies, and as such, I am remanding the matter to the Agency for it to assist Petitioner in obtaining the required documentation, and to reassess her eligibility for EA benefits, on an expeditious basis. See Initial Decision at 7-8.

By way of comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. February 8, 2023

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Natasha Johnson  
Assistant Commissioner

