



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
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 **00069-23 P.P.**

AGENCY DKT. NO. **C104840001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's denial of EA benefits in the form of back rent. The Agency denied Petitioner EA benefits, contending that he failed to provide documentation required to determine his EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for September 22, 2022, but Petitioner withdrew his request for an appeal. Thereafter, Petitioner determined that he wanted to move forward with the appeal, and a hearing was then scheduled for February 2, 2023. On that date, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 10, 2023, the ALJ issued an Initial Decision, remanding the matter to the Agency.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision and REVERSE the Agency's May 16, 2022, determination, based on the discussion below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, based on an independent review of the record, I concur with the ALJ's conclusion that Petitioner had provided all required documentation to the Agency, and that the Agency's May 16, 2022, denial of EA benefits to Petitioner in the form of back rent for failure to provide said documentation, was improper. See Initial Decision at 6-10; see also Exhibits P-1, P-2, R-1 at 1-4, 13-28, and N.J.A.C. 10:90-6.1(c)(2). However, the ALJ found, and Petitioner admitted, that his past due rent has since been paid in full by a third-party and that his rent was current as of the date of the hearing. See Initial Decision at 6, 8. Based on the foregoing, while I agree that the basis for the Agency's May 16, 2022, EA denial was improper, given that Petitioner's rent is current, the reversal of that May 16, 2022, denial



has, in fact, no consequential effect more than 10 months later. Of note, I find that there is no applicable regulatory authority which would allow the Agency to reimburse Petitioner for monies either loaned or gifted to him by third parties for housing payments. Additionally, as Petitioner's rent is current, I find no basis for a remand of this matter, as found by the ALJ in this matter. See Initial Decision at 10. The Initial Decision is modified to reflect these findings.

By way of comment, as it is unclear from the record whether Petitioner's rent is affordable going forward, Petitioner is without prejudice to reapply for EA benefits.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's May 16, 2022, determination is REVERSED, as outlined above.

Officially approved final version. March 30, 2023

Natasha Johnson
Assistant Commissioner

