



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 14232-18 B.F.

AGENCY DKT. NO. C487288007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he was not a resident of Essex County, and that there was no present emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 3, 2018, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 4, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner is homeless, that he had been homeless in New York ("NY"), and that he moved back to New Jersey ("NJ") from NY with the intention to remain in NJ, his state of residence for many years. See Initial Decision at 2-4; see also Exhibit R-1, and N.J.A.C. 10:90-2.11(a), (b). The ALJ also found that the Agency's contention that Petitioner had moved to NJ without a plan for supporting himself, was not timely raised, as it was brought up for the first time at the hearing, and that Petitioner was not properly noticed of such claim. See Initial Decision at 4; see also Exhibit R-2, and N.J.A.C. 10:90-9.1(a)(1). As such, this contention was not addressed by the ALJ as a basis for its denial of EA benefits to Petitioner. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-2, and N.J.A.C. 10:90-2.11(a). I agree.

No Exceptions to the Initial Decision were received.

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, Petitioner is advised that the Agency shall determine the most appropriate form of emergency housing required to address the needs of an EA recipient, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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



Officially approved final version.

OCT 16 2018

Natasha Johnson
Director

