



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 00324-18 D.S.

AGENCY DKT. NO. C140051016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that Petitioner moved to New Jersey ("NJ") from another state without a plan for self-sufficiency or a promise of employment, and that she refused shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 16, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 17, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner had been the victim of domestic violence when she had resided in NJ, and that she moved to another state approximately five years ago. See Initial Decision at 2-3; see also Exhibit P-4. Around that same time, Petitioner's abuser was imprisoned in a state close to where Petitioner had relocated, and has since been released in early 2017. See Initial Decision at 3. After his release, Petitioner's abuser was able to locate where Petitioner was living, sought to make contact with their adult child, who resided with Petitioner, and made threatening phone calls to Petitioner, which she reported to the police. Ibid. Petitioner feared for her safety and moved back to NJ with her minor child, and has been living temporarily with various family and friends. Id. at 3-4; see also Exhibits P-1, P-2, P-3. Further, the ALJ found credible Petitioner's testimony that the Agency-referred shelter placement refused to admit her due to health and safety concerns regarding her medication. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that the Agency had failed to provide any evidence to rebut Petitioner's claim that she left her residence in another state due to fear of imminent domestic violence, and that Petitioner is eligible for EA benefits in accordance with N.J.A.C. 10:90-6.1(c)(7)(i). See Initial Decision at 5-6. Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. Id. at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(7)(i). 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 appropriate form of EA benefits required to address her needs, 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.

JAN 26 2018

Natasha Johnson

Director

