



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 11509-18 J.J.

AGENCY DKT. NO. C751285007 (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 failed to provide necessary documentation to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 13, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 14, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's 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. See N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record reflects that Petitioner applied for EA benefits due to imminent homelessness, when the family member with whom he had been staying informed him that he must leave. See Initial Decision at 2-3; see also Exhibit R-2. Petitioner supplied the Agency with a letter of support, signed by the family member, indicating that Petitioner would soon be homeless, but the Agency rejected it because it did not include a specific date of departure. Ibid. The ALJ found that the failure of Petitioner's letter of support to include a departure date was de minimis, and that Petitioner has satisfied all other obligations, and as such, the ALJ reversed the Agency's denial of EA benefits. See Initial Decision at 3-4; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.1, -6.2(a), -6.3. I agree.



By way of comment, Petitioner is advised that EA benefits shall be in a form determined by the Agency, needed to address Petitioner's current emergent situation, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

By way of further comment, I note that although a denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits to Petitioner was a transmitted issue in this matter, the Agency represented that Petitioner had completed the 28-day work requirement and thus receiving WFNJ/GA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-1.2(f)(8). Therefore, I find that issue is now moot and need not be addressed in this Final Agency Decision.

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

Officially approved final version.

AUG 21 2018

Natasha Johnson
Director

