



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 17537-18 L.P.

AGENCY DKT. NO. C629490007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits, contending that she failed to take reasonable steps to secure permanent affordable housing and employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 11, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 12, 2018, the ALJ issued an Initial Decision reversing the Agency's determination. Here, the record reflects that Petitioner has received eight months of EA benefits, and as such, I find that she was not required to apply for an extension of EA benefits because she had not yet exhausted her 12-month lifetime limit of said benefits. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.4(a), (b), (d). Nevertheless, the Agency denied Petitioner an extension of EA benefits, contending that she failed to take reasonable steps to secure permanent affordable housing and employment. See Initial Decision at 1, 4; see also Exhibit R-1. The ALJ found that it was through no fault of the Agency's fair hearing liaison that she failed to provide documentation to support the Agency's claims, as the Agency's computer systems had gone down the day of the hearing, but nevertheless, as a result, the Agency had failed to meet its burden of proof required to support its denial of EA benefits to Petitioner. See Initial Decision at 2-3, 5. Particularly, the Agency failed to produce an EA service plan mandating that Petitioner find permanent affordable housing or employment by a date certain, and failed to produce any prior notices to Petitioner requiring her to provide documentation in that regard. Id. at 5; see also N.J.A.C. 10:90-1.6(a), (f), -6.6(a)(1)(iii). 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 6; see also Exhibit R-1. 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.

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



Officially approved final version.

DEC 17 2018

Natasha Johnson

Director

