



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 16401-17 S.J.

AGENCY DKT. NO. C349373007 (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 she failed to provide requested documentation, and that her apartment failed an inspection required for Temporary Rental Assistance ("TRA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 30, 2017, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 1, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits on August 7, 2017, seeking back rent. See Initial Decision at 2; see also Exhibit R-2. Although the Agency was inclined to grant Petitioner EA benefits, Petitioner's apartment failed an inspection on October 2, 2017. See Initial Decision at 2; see also Exhibits R-3, R-4. Further, the record reflects that Petitioner was scheduled to start a new job on November 21, 2017, and that there was no current action to evict her from her current apartment. See Initial Decision at 2; see also N.J.A.C. 10:90-6.1(a). Based on the foregoing, the ALJ found that Petitioner is not homeless or imminently homeless. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c). Moreover, the ALJ found that, because Petitioner's circumstances had changed, specifically, that she had now found employment and is now six-months behind in her rent, a reliable determination of eligibility could not be made until Petitioner filed a new application for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(a)(1), -6.2(a)(1), and -6.3(a)(5). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3; 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.

By way of comment, Petitioner is without prejudice to reapply for EA benefits.



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

Officially approved final version.

Natasha Johnson
Director

JAN 16 2018,

