



State of New Jersey

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*Governor*

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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 13718-18 T.T.

AGENCY DKT. NO. C743595007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/TANF benefits contending that she is over the initial income eligibility limit for said benefits, and denied Petitioner EA benefits because she was not a WFNJ or Supplemental Security Income benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 27, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The hearing was continued to October 1, 2018, to allow Petitioner the opportunity to discuss certain matters with her landlord. The hearing was again continued to October 4, 2018, to allow Petitioner to further discuss matters with her landlord, and to allow the Agency the opportunity to evaluate Petitioner's situation. The record then closed on October 4, 2018. On October 5, 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.

Here, the record reflects that, at the time of the hearing, Petitioner had been granted WFNJ/TANF benefits, effective October 1, 2018. See Initial Decision at 1; see also Exhibit P-1. As Petitioner is now a WFNJ/TANF benefits recipient, I find that she is eligible for EA benefits. See Exhibit P-1; see also Exhibit R-1, and N.J.A.C. 10:90-6.2(a). However, at the hearing, the Agency further contended that Petitioner was more than three months past due in her rent, and as such, the Agency did not have the regulatory authority to grant her EA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.3(a) (5). The record in this matter reflects that Petitioner's landlord has agreed to accept three months of back rent as payment in full for Petitioner's arrears, and to stop the eviction. See Initial Decision at



3-4; see also Exhibit P-8. Therefore, the ALJ found that Petitioner is now eligible for EA benefits, and reversed the Agency's determination. See Initial Decision at 5. I agree.

Accordingly, I direct the Agency is to provide Petitioner with EA benefits for three months of back rent in the amount of \$2,025. See Initial Decision at 4-5; see also Exhibit P-8, and N.J.A.C. 10:90-6.3(a) (5). Further, I find that Petitioner is eligible for prospective EA benefits provided she continues to need said benefits, and remains otherwise eligible for same. See N.J.A.C. 10:90-6.1 et seq.

By of comment, as Petitioner is now receiving WFNJ/TANF benefits, I find that Petitioner's appeal regarding the Agency's denial of WFNJ/TANF benefits is now moot, and as such, it is not addressed in this decision. See Exhibits P-1 and R-3.

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

Officially approved final version.

OCT 18 2018

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Natasha Johnson  
Director

