



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

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NATASHA JOHNSON
Assistant Commissioner

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 17475-19 C.M.

AGENCY DKT. NO. S910825009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits, contending that he failed to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 18, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 19, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner lives in an apartment with his two adult sons, is currently three months behind in his rent, and is facing eviction. See Initial Decision at 2; see also Exhibit R-1 at 1, 7, 10, 17-20. The record also reflects that the Agency denied Petitioner EA benefits, contending that he failed to provide requested documentation. See Initial Decision at 2; see also Exhibit R-1 at 3-6, 8. The ALJ found that Petitioner had provided the Agency with documentation sufficient to determine his eligibility for EA benefits, and as such, concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 3-4; see also Exhibit R-1 at 3-7, 16-20, and N.J.A.C. 10:90-6.3(a). I agree. However, as Petitioner has two other adults living in his household, who appear to be ineligible for Work First New Jersey ("WFNJ") benefits, and therefore also ineligible for EA benefits, the Agency is only authorized to pay Petitioner's one-third pro-rata share of back rent, as well as one-third of his rent going forward. See Initial Decision at 2; see also Exhibit R-1 at 1, 10, and N.J.A.C. 10:90-6.1(c)(2), -6.2(a) (stating that only WFNJ and Supplemental Security Income benefits recipients are eligible for EA benefits). Therefore, Petitioner is advised that unless his two sons can pay their share of the rent the herein determination that he is eligible for EA benefits will not result in the resolution of his emergency.

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, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

11/17/2019

