



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 02236-19 L.L.

AGENCY DKT. NO. C141632016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's EA benefits, contending that Petitioner no longer qualified for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for March 4, 2019, but was adjourned at Petitioner's request so that Petitioner could secure counsel. Petitioner was not able to do so, and on March 11, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 14, 2019, the ALJ issued an Initial Decision, reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

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 reveals that Petitioner, a Work First New Jersey/General Assistance benefits recipient, was receiving EA benefits. See Initial Decision at 2; see also Exhibit R-4. On December 11, 2018, the Agency terminated Petitioner's EA benefits, effective December 31, 2018, for purportedly subleasing his apartment, in violation of state law. See Initial Decision at 2; see also Exhibit R-1. The Agency based its termination of EA benefits on an affidavit, signed by Petitioner, indicating that Petitioner had a tenant who provided him with rent. See Initial Decision at 2; see also Exhibit R-2. Petitioner testified that his friend, the alleged tenant, asked him to sign the affidavit, that the affidavit was not true, and that signing the affidavit was a mistake on his part, since he did not know what his friend's intentions were with regard to the affidavit. See Initial Decision at 3. Petitioner further testified that he never received rental payments from a tenant. *Ibid.* Noting that the Agency had not conducted an investigation into the statements in Petitioner's affidavit, on which the Agency relied, the ALJ found Petitioner credible, despite Petitioner's exercise of poor judgment, and found that his conduct did not violate N.J.A.C. 10:90-6.1, et seq. See Initial Decision at 5. The ALJ also found Petitioner credible when he said that he had not



received rental payments from the friend. Id. at 4-5. Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits was improper and must be reversed. Ibid.; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a). I agree.

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

Officially approved final version.

APR - 2 2019

Natasha Johnson

Director

