



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 **08931-22 A.P.**

AGENCY DKT. NO. **S623824012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she is not homeless, that her emergency was not due to circumstances beyond her control, that she had the capacity to plan to avoid her emergency, and that she had failed to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 12, 2022, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open until October 13, 2022, to allow Petitioner the opportunity to provide documents to supplement the record. and the record then closed on that date.

On October 14, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner was evicted from her apartment on July 6, 2022, and that she was homeless when she applied for EA benefits. See Initial Decision at 2, 7, 9; see also Exhibits R-1, R-5. The ALJ also found that in December 2021, and January through April of 2022, Petitioner had received Unemployment Insurance Benefits ("UIB") totaling \$19,740, and that she had not used those funds to pay her rent. See Initial Decision at 3-5, 7; see also Exhibit R-6. In accordance with regulatory authority, the ALJ found that Petitioner was required to provide the Agency with documentation indicating how she had spent the \$19,740 in order for it to determine her EA benefits eligibility. See Initial Decision at 4, 7-8; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c)(ii). The ALJ also found Petitioner credible when she testified that she did not have the capacity to plan to avoid her emergency, as the UIB monies she received were insufficient to pay her rent, so rather, she chose to spend those monies on other necessary items. See Initial Decision at 5-7; see also Exhibits R-8, R-7. Nevertheless, the ALJ found that Petitioner had failed to provide the Agency with the required documentation to support her claim, despite representing that she possessed such documentation, and despite having been given the opportunity to provide the documents prior to the issuance of the Initial Decision. See Initial Decision at 2, 6, 9; see also N.J.A.C. 10:90-6.1(c)(ii). Accordingly, the ALJ concluded that Petitioner had not proven that she lacked the capacity to avoid her emergency, or that her emergency was due to circumstances beyond her control, and as such, concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 9-10; see also Exhibit R-12, and N.J.A.C. 10:90-6.1(c). I agree.



No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 may reapply for EA benefits, but is advised that she must provide the Agency with all requested documentation required to determine her eligibility for said benefits.

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

Officially approved final version.

October 26, 2022

Natasha Johnson
Assistant Commissioner

