



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting 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 **02289-22 L.G.**

AGENCY DKT. NO. **C118015020 (UNION COUNTY DIVISION 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 failed to verify claim of homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 30, 2022, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 31, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency denied EA benefits to Petitioner, contending that she had failed to verify the circumstances surrounding her departure from her prior residence, in accordance with the Agency's 12-month lookback directive. See Initial Decision at 2-3, 6-7; see also Exhibit R-1 at 1-6, and N.J.A.C. 10:90-6.3(a)(1)(ii), and Division of Family Development Instruction ("DFDI") No. 08-5-4 at 11-12. The ALJ found Petitioner credible when she testified that she had been homeless and living in her car since March, 2020, except for the period of January 2021, through February 2021, when she had resided with a friend. See Initial Decision at 3-5, 11-12; see also Exhibits P-1 at 1-8 and R-1 at 8-9. The ALJ also found Petitioner credible when she testified that she was no longer in contact with the person with whom she had resided, that she had no way of contacting that person, and that she no longer had any documentation connecting her to that address, as it had been destroyed in Hurricane Ida. See Initial Decision at 4, 6-7; see also Exhibits P-1 at 1, and R-1 at 1. Moreover, the record indicates that the Agency had acknowledged that the 12-month lookback did not apply in Petitioner's case because she "had done nothing (proactively or passively) to cause her own homelessness[.]" See Initial Decision at 7; see also N.J.A.C. 10:90-6.1(c)(3) (vi), and DFDI 08-5-4 at 11-12. Additionally, while the Agency also acknowledged that it was permitted to take into consideration Petitioner's particular circumstances when it came to her ability to verify her homelessness, the ALJ found that the Agency had failed to do so prior to its denial of EA benefits on the sole basis that she had failed to verify her prior address. See Initial Decision at 6-8, 11; see also Exhibit R-1 at 1-6. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 12; see also Exhibit R-1 at 1-6. I agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, Division of Family Development (“DFD”), 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.

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

Officially approved final version.

April 5, 2022

Natasha Johnson
Assistant Commissioner

