



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 **07934-22 R.D.**

AGENCY DKT. NO. **C271863020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit, back rent, and prospective Temporary Rental Assistance ("TRA"), and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she moved to New Jersey ("NJ") without a plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 18, 2022, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 20, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, REVERSE Agency's determination, and REMAND the matter to the Agency for action, based on the discussion below.

Here, the ALJ found Petitioner credible when she testified that she had left another state and moved to NJ due to domestic violence ("DV"). See Initial Decision at 2-3, 5-6; see also Exhibit R-1. The ALJ also found Petitioner credible when she testified, and the record substantiates, that she had moved to NJ with employment already in place. See Initial Decision at 3-6; see also Exhibit P-1. Of note, Petitioner remains currently employed, part-time. See Initial Decision at 5. Further, the ALJ found that, during the application process Petitioner had provided the Agency with all requested documentation, including documentation regarding her employment in NJ. See Initial Decision at 3-4, 6; see also Exhibits P-2, P-3, P-4, R-4A and R-4. Based on the foregoing, the ALJ concluded that Petitioner had moved to NJ with a plan for self-sufficiency, and on that basis, concluded that the Agency's denial of Petitioner's application for EA benefits in the form of a security deposit, back rent, and TRA was improper and must be reversed. See Initial Decision at 7-8; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). I agree, and additionally find that the Agency's imposition of a six-month EA ineligibility penalty was also



improper and must be reversed. See Initial Decision at 3; see also Exhibit R-2. However, the record indicates that the Agency had failed to take Petitioner's employment information into consideration when determining her eligibility/ineligibility for prospective EA/TRA benefits, and accordingly, the ALJ also concluded that the Agency will need to process Petitioner's EA benefits application factoring in her part-time employment income. See Initial Decision at 4, 6. Accordingly, based on Petitioner's particular circumstances, and as it appears from the record that Petitioner's rent may be affordable going forward, I direct the Agency to provide Petitioner with a security deposit and back rent, and remand the matter to the Agency to expeditiously process Petitioner's EA application to determine her EA benefits eligibility for prospective TRA. See Initial Decision at 2, 5, 8; see also Exhibit P-1, and N.J.A.C. 10:90-6.3(a) (5), (6).

By way of comment, in instances such as this, the Agency is advised that EA benefits are "available in situations where there is an indication that an individual, or a parent and his or her children, have left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit." N.J.A.C. 10:90-6.1(c)(7).

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency, as outlined above.

Officially approved final version. November 10, 2022

Natasha Johnson
Assistant Commissioner

