



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 **08385-22 S.H.**

AGENCY DKT. NO. **C605480007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had failed to provide proof of an emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 27, 2022, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until noon on September 28, 2022, and then closed.

Also on September 28, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency denied Petitioner EA benefits, contending that she had failed to provide proof of the required New Jersey Department of Community Affairs ("DCA") code violation repairs that were made/not made to her former apartment, and proof of eviction from said apartment. See Initial Decision at 2-3; see also Exhibits P-1, R-1 at 1-5, 28-29, and N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). However, the ALJ found that it was Petitioner's landlord who had created the situation which lead to Petitioner's inability to provide proof of repairs or proof of eviction. See Initial Decision at 3-5. The ALJ also found that Petitioner is homeless, and that her former landlord's claim that she had been sneaking back into the apartment and living there, after she had been locked out, was hearsay, not substantiated by any competent evidence to support such a claim. See Initial Decision at 4-5; see also Exhibit P-3, P-5, P-8, P-10. Of note, the record indicates that Petitioner testified that she had been looking for alternate Section 8 housing, but had failed to find any housing suitable enough to accommodate her medical issues. See Initial Decision at 3-4; see also Exhibits P-4 and R-1 at 27. Based on the testimony and documents presented, the ALJ concluded that Petitioner had proven by a preponderance of the evidence that she is homeless, and further, that as the recipient of a portable Section 8 housing voucher, her emergency will be one of a short duration, as the ALJ has required Petitioner "to find a suitable apartment within one month, keeping in mind that no place may be ideal." See Initial Decision at 5; see also Exhibit P-9. Accordingly, the ALJ reversed the Agency's determination, and ordered the Agency to provide Petitioner with immediate need shelter placement for one (1) month (October), in order to allow Petitioner time to locate a new apartment. See Initial Decision at 5-6; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-1.3(a)(2), -6-1(c). I agree and direct the Agency to provide immediate need



shelter placement to Petitioner, which one month period shall begin to run from the issuance of this Final Agency Decision.

Exceptions to the Initial Decision were filed by the Agency on October 4, 2022.

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 is advised that fair hearings are not permitted upon termination of immediate need benefits. Accordingly, Petitioner is advised that when her one month of immediate need assistance ends, if she has not yet located a new Section 8 apartment, she may reapply for EA benefits.

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

October 6, 2022

Natasha Johnson

Assistant Commissioner

