



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **01099-22 T.D.**

AGENCY DKT. NO. **C315391007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 18, 2022, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 23, 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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Here, it appears from the record that the Agency failed to properly notice Petitioner of its denial of her application for EA benefits, as required in accordance with N.J.A.C. 10:90-9.1(a), (b), and as such, the ALJ concluded that Petitioner had not received due process. See Initial Decision at 3. On that basis, the ALJ reversed the Agency's denial of EA benefits to Petitioner. *Id.* at 3-4. I agree.

The ALJ also reversed the Agency's denial of EA benefits on substantive grounds, in essence concluding that Petitioner had not caused her own homelessness. *Ibid.* However, based on an independent review of the record, I find that the record presented in this matter does not substantiate a legal conclusion on the substantive merits of this case. *Id.* at 1-4; see also Exhibit P-1. Therefore, I find that the Agency may now properly notice Petitioner of its denial of EA benefits, which notice shall include "the reasons for the intended action," and "the specific regulations supporting the intended action." See N.J.A.C. 10:90-9.1(a), (b). Petitioner is advised that she may request another fair hearing on any such substantive denial. The Initial Decision is modified to reflect these findings.

By way of comment, the Agency is advised to provide Petitioner with immediate need housing pending final conclusion of the substantive issues raised in this matter. See N.J.A.C. 10:90-1.3(a)(2).



Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version.

February 24, 2022

Natasha Johnson
Assistant Commissioner

