



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 15757-14 D.M.

AGENCY DKT. NO. C335884 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA benefits because the Agency determined she was not a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient. On January 12, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. On January 13, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

Neither party submitted exceptions to the Initial Decision.

As the Director of the 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 hereby ADOPT the Initial Decision and REVERSE the Agency's action.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). It is the Agency's responsibility to confirm eligibility and verify from secondary sources if such action is needed. See N.J.A.C. 10:90-1.6(a).

The record in this matter reveals that Petitioner was denied EA because she was not a WFNJ cash assistance recipient. See Initial Decision at 2. However, the Agency did not offer any evidence to support an explanation for the issuance of the adverse action notice sent to Petitioner in July 2014. *Ibid.*

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Consequently, Petitioner was then approved for cash assistance in November of 2014 and granted a request for a Fair Hearing. Ibid. The Agency representative at the hearing acknowledged he did not have a file or other evidence to offer the court in support of Agency's adverse action. Ibid.

Therefore, the ALJ correctly determined that the Agency did not meet its burden of proof and had improperly denied Petitioner's request for TRA.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

FEB 25 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director