



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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 2646-15 J.P.

AGENCY DKT. NO. C073123 (BURLINGTON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") in the form of attorney fees and court costs payable which resulted from the failure to timely recertify Petitioner's EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 4, 2015, the Honorable Patricia M. Kerins, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, and admitted documents into evidence. On March 6, 2015, the ALJ closed the record after receiving respective counsel submitted letter memoranda. On March 9, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on March 12, 2015.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency determination.

EA benefits are designed to address the emergent needs of public assistance recipients and to facilitate uninterrupted participation in Work First New Jersey ("WFNJ") work activities with the goal of economic self-sufficiency. N.J.A.C. 10:90-6.1(a).

EA benefits are available when the assistance unit is in a state of actual or imminent homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing. N.J.A.C. 10:90-6.1(c). EA benefits are available in many forms, including, but not limited to, security deposits, rent and other payments for emergency and transitional housing, rent and mortgage payments for permanent housing, moving and storage expenses, and "eviction-related costs that are authorized by the DFD ...." N.J.A.C. 10:90-6.3(a).

The county or municipal welfare agency shares responsibility with the eligible assistance unit to resolve the emergent situation and to assist the unit to secure and maintain suitable, affordable permanent housing. N.J.A.C. 10:90-6.6(a); -6.3(a)(6).

Based upon my independent review of the record, I agree with the ALJ that the attorney fees and costs in the present matter were imposed as the result of the Agency's delay in processing Petitioner's recertification for EA benefits. See Initial Decision at 6. Accordingly, I direct the Agency to pay the costs and fees in this matter.

By way of comment, the Agency is reminded that it should contact DFD on a case by case basis for authorization in such matters, and is further reminded of its responsibilities to ensure timely recertifications of clients so that such occurrences may be avoided altogether.

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

APR - 6 2015

*Signed Copy on File*

at DFD, BARA

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Natasha Johnson  
Director