



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

REMAND DECISION

OAL DKT. NO. HPW 18472-15 K.W.

AGENCY DKT. NO. C240163 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits because she failed to provide sufficient documentation to determine EA eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 23, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), conducted a plenary hearing, took testimony, and admitted documents. On November 24, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby REJECT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND this matter to the Agency for further action as set forth below.

EA is a supportive service available to Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") recipients when the assistance unit "is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." See N.J.A.C. 10:90-6.1(c). Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. See

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N.J.A.C. 10:90-6.3(a)(1)(ii). Where such documentation does not exist, a letter from a person, such as a relative or friend with whom the individual is residing, stating that eviction is imminent or has occurred, shall be accepted by the Agency. Ibid.

Here, the assistance unit consists of Petitioner and her newborn daughter. See Initial Decision at 2. Petitioner resided with her father in his apartment from July 2015, through November 15, 2015, at which time Petitioner's father insisted that Petitioner and her baby vacate his apartment. See Initial Decision at 2; see also Exhibits P-2 through P-5. Petitioner's father states that Petitioner is not on his lease, but he has refused to provide a copy of that lease to either Petitioner or to the Agency. See Initial Decision at 3; see also Exhibit 5. Moreover, Petitioner cannot reside with her mother in her subsidized apartment, as she is an unauthorized person whose name is not on her mother's lease. See Initial Decision at 2; see also Exhibit P-1.

On November 16, 2015, Petitioner applied to the Agency for EA, which was denied because Petitioner failed to document her emergency and "has not provided all documentation required to determine eligibility." See Exhibit R-1. The ALJ disagreed, stating that Petitioner supplied all the documents that she was able to supply, and that she "cannot supply that which she does not have, nor the ability to obtain." See Initial Decision at 3. However, I disagree with the ALJ, and hereby reject his decision that, absent the copy of her father's lease, Petitioner has provided sufficient information to determine her EA eligibility. See Initial Decision at 3. Rather, I find that this case must be remanded to the Agency for further investigation and inquiry as to where Petitioner resided prior to July 2015, to determine whether Petitioner had a realistic capacity to plan for substitute housing, but failed to do so. On that basis, I reject the ALJ's Initial Decision, reverse the Agency's determination, and remand this case back to the Agency for a reevaluation of Petitioner's current EA eligibility on the merits for the reasons set forth above.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs.

Accordingly, the Initial Decision is hereby REJECTED, the Agency's determination is hereby REVERSED, and this case is hereby REMANDED to the Agency for further action as set forth herein.

Signed Copy on File

at DFD, BARA

DEC 21 2015

Natasha Johnson
Director