



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Jennifer Velez  
*Commissioner*

Jeanette Page-Hawkins  
*Director*  
Tel. (609) 588-2000

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 14770-14 S.M.

AGENCY DKT. NO. GA391774 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing.

The initial plenary hearing in this matter was held on November 5, 2014, before the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"). During the hearing, the ALJ took testimony and admitted documents into evidence.

On November 6, 2014, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits. The ALJ concluded that Petitioner had not met her burden in proving that, at the time of the application for EA benefits, that she was homeless or imminently homeless due to circumstances beyond her control. The ALJ based his decision on the lack of documentation of court documents from an eviction proceeding in Essex County needed to substantiate Petitioner's position.

Exceptions were filed to the Initial Decision by Petitioner on November 7, 2014. Petitioner included documents with her Exceptions which were not introduced before the ALJ at the hearing, specifically, copies of documents, including those from a Landlord/Tenant proceeding in Essex County.

As the ALJ in this matter had focused his Initial Decision on the lack of documentation provided by Petitioner to substantiate her claim that she had been evicted from her prior residence in Essex County, and as I could not properly consider documents submitted with Exceptions which had not been properly admitted and considered by the ALJ, I remanded the matter to the OAL to enter the documents into the record and

give them full consideration.

The hearing on the remand was also heard by the Honorable Leland S. McGee, ALJ, on November 21, 2014. Following additional testimony from Petitioner and consideration of the additional documentation now entered into the record, the ALJ issued his Initial Decision on Remand on November 25, 2014. The ALJ concluded that, based upon the testimony and credible evidence presented, Petitioner had conflicts with her former landlord in Essex County, which resulted in the landlord evicting Petitioner. See Initial Decision at 4. Based upon these facts, supported by evidence in the record, the ALJ found that Petitioner was now homeless or imminently homeless due to circumstances beyond her control. See Initial Decision at 5. As such, the ALJ reversed the Agency's determination to deny Petitioner EA benefits. Ibid.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the complete record in this matter, including the first Initial Decision and the Initial Decision on Remand, and I concur with the ALJ's Initial Decision on Remand and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

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

DEC - 4 2014

*Signed Copy on File*  
at DFD, BARA

---

Jeanette Page-Hawkins  
Director