



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 8734-15 A.A.

AGENCY DKT. NO. GA138158 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied Petitioner EA and assessed a six-month ineligibility penalty against her because it claimed that Petitioner provided false or misleading information in her application. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 25, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), conducted a plenary hearing, took testimony, and admitted documents. On June 26, 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 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's determination.

The record reveals that Petitioner is a Cape May County native who returned to New Jersey from Pennsylvania approximately one year ago. See Initial Decision at 2. Upon her return, Petitioner stayed with her uncle in Cape May County, New Jersey until July 1, 2014, when he asked her to leave because her presence was causing dissension with his wife. Ibid. Thereafter, Petitioner lived in a tent, then received emergency motel placement through the Homeless Helpline from February 3, 2015, through March 5, 2015. Ibid.

Next, Petitioner stayed in a rented room with a friend until June 1, 2015, at which time the friend gave up the room and Petitioner had to vacate. *Ibid.*; see also S.P. Letter dated June 12, 2015 in the Agency's EA Discovery ("Discovery") at 30. Since June 1, 2015, Petitioner has slept in a shed at the rear of a friend's property. See Initial Decision at 3. However, the friend stated in a letter that Petitioner cannot continue residing in the shed. See H.J. Letter dated June 12, 2015, in Discovery at 31.

Accordingly, on June 12, 2015, Petitioner applied to the Agency for EA. See Application for Emergency Assistance in Discovery at 12. On June 12, 2015, the Agency denied Petitioner's EA application, and imposed a six-month EA ineligibility penalty, on the basis that Petitioner provided false or misleading information in her application. See Initial Decision at 1-2; see also EA Denial Letter dated June 12, 2015, in Discovery at 7. See also N.J.A.C. 10:90-2.8(a)(10) (assessing six-month ineligibility penalty upon public assistance applicants who intentionally make false or misleading statements for purpose of receiving benefits).

At the hearing, the ALJ found that Petitioner did not include false or misleading information in her EA application. See Initial Decision at 3-4. Specifically, the ALJ opined that the inconsistency between Petitioner's motel placement from February 3, 2015, through March 5, 2015, and the letter written by Petitioner's friend, S.P., stating that Petitioner stayed with her from the end of February, 2015 through June 1, 2015, was "de minimus." See Initial Decision at 2-3. The ALJ also determined that the internet tax record produced by the Agency, indicating that the owner of the property with the shed is someone other than H.J., is an unofficial, unclear, and unverified document. See Initial Decision at 4; see also N.J. Tax Records Search dated June 12, 2015, in Discovery at 35. Thus, the Agency's claim that Petitioner provided false or misleading information in her application was unsupported by the evidence. See Initial Decision at 4.

Therefore, because Petitioner is without shelter, and has been at various times over the past year, the ALJ concluded, and I concur, that Petitioner is eligible for EA. See Initial Decision at 4.

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

JUL - 7 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director