



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

P.O. Box 716

TRENTON, NEW JERSEY 08625

(609) 588-2400

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 8608-15 J.V.

AGENCY DKT. NO. GA508122 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA on the basis that Petitioner failed to comply with rooming house rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 18, 2015, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On June 19, 2015, the ALJ issued an Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and I hereby ADOPT the Initial Decision, REVERSE the Agency determination and REMAND to the Agency as discussed below.

Based upon the record presented, the ALJ in this matter noted that the Agency was unable to prove, by a preponderance of the credible evidence presented, that Petitioner's girlfriend resided with him at his rooming house that was limited to a single adult occupant. See Initial Decision at 3. The mother of Petitioner's girlfriend submitted a letter stating she had been housing her daughter from January 2015 on a temporary basis. See Exhibit P-2. Although the Agency provided a printout indicating Petitioner and his girlfriend were listed under the same Work First New Jersey/General Assistance ("WFNJ/GA") case number, there was no other

Page 2

corroborating information provided. See Exhibit R-2. Therefore, I agree with the ALJ that the Agency failed to meet their burden of proof.

Additionally, as the documentation provided by the Agency indicates that Petitioner and his girlfriend were listed under the same WFNJ/GA case number, it is unclear if any joint benefits were issued to Petitioner's girlfriend. Clearly, if Petitioner and his girlfriend were not residing together, which Exhibit P-2 indicates, then they would not be eligible to receive WFNJ/GA as a couple and therefore, should not be listed under the same case number. As such, I am remanding this matter to the Agency for clarification on this issue, as well as any possible recoupment of WFNJ/GA benefits which may have been issued in error.

By way of comment, I note that the record is silent as to the amount of EA benefits Petitioner has received in the past, if any.

Accordingly, the Initial Decision in this matter is ADOPTED, the Agency's determination is REVERSED and the matter is REMANDED to the Agency as discussed above.

Signed Copy on File
at DFD, BARA

JUL - 2 2015

Natasha Johnson
Director