



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 8314-15 Y.P.

AGENCY DKT. NO. C662261 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because, purportedly, she failed to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 11, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On June 11, 2015, the ALJ issued his Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families benefits and she has an eviction pending. See Initial Decision at 2; see also "Landlord Tenant Summons." Based on the limited facts of the case, little to no documentation from either party, and the Agency's unsupported and unexplained "failure to plan" denial basis, the ALJ directed the Agency to provide Petitioner with EA benefits until further investigation into her EA eligibility can be completed by the Agency. See *id.* at 2, 3.

No Exceptions to this Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

JUN 19 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director