



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
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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 8607-15 Z.W.

AGENCY DKT. NO. GA510217 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA on the basis that Petitioner failed to provide the Agency with proof of ejection or eviction from her son's place as requested. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 17, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On June 18, 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 reviewed the ALJ's Initial Decision and the record and REJECT the ALJ's Initial Decision and REMAND the matter back to the Agency based on the following discussion.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and 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." Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

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Here, the ALJ noted that Petitioner moved from her son's residence on May 20, 2015, and subsequently applied for EA on May 26, 2015. See Initial Decision at 2. The Agency denied Petitioner's EA application for failing to provide proof that she was evicted from her son's residence. Ibid. At the hearing, Petitioner provided a Med-1 form and housing verification dated June 5, 2015, from a shelter that confirmed she was a current resident. Ibid; see also Exhibit P-1. The ALJ concluded that the Agency was unable to meet its burden of proof and improperly denied Petitioner's EA application. See Initial Decision at 3.

While I agree with the ALJ that Petitioner no longer resides with her son, I find that additional information from Petitioner is required in order to render a final determination of EA eligibility. Specifically, documentation must be presented that Petitioner can no longer remain with her son at his residence before EA can be issued. Although the fair hearing transmittal indicates Petitioner has received text messages from her son indicating she can no longer reside with him, and it is unclear whether the Agency or the ALJ considered this information, such proof alone is inadequate to grant EA. See N.J.A.C. 10:90-6.3(a)(1)(ii). Petitioner is instructed to again request a letter from her son. If such action is refused, ignored, or is otherwise unsuccessful, Petitioner shall provide contact information for the son to the Agency, and the Agency shall seek the necessary confirmation via telephone.

Accordingly, the Initial Decision in this matter is REJECTED and the matter is REMANDED to the Agency as outlined above.

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director

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