



State of New Jersey

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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 05028-18 D.N.

AGENCY DKT. NO. C268132009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she moved to New Jersey ("NJ") without a sufficient plan, thereby caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 12, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On that same date, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on February 28, 2018, Petitioner moved from Pennsylvania ("PA") to a relative's apartment in NJ. See Initial Decision at 2; see also Exhibit R-3. In March 2018, Petitioner was no longer able to live at the relative's apartment because the rent had become too expensive, which caused the relative to move into senior citizen housing. See Initial Decision at 2; see also Exhibit R-4. Petitioner presented no documents showing a rent increase, eviction from the premises, or other means to verify her current living situation. See Initial Decision at 2. In addition, Petitioner claimed to have a pending application for disability benefits. *Ibid.* The ALJ found that Petitioner voluntarily abandoned permanent housing without a sufficient plan for housing in NJ. *Id.* at 3; see also N.J.A.C. 10:90-6.1(c)(1). Based on the foregoing, the ALJ concluded that Petitioner had the capacity to plan, but failed to do so, and that she is, therefore, ineligible for EA benefits. See Initial Decision at 3. Accordingly, the ALJ affirmed the Agency's denial of Petitioner's application for EA benefits. See Initial Decision at 4; see also Exhibit R-1. I agree.

Additionally, because I agree with the ALJ's conclusion that Petitioner had the capacity to plan to avoid her emergency, but failed to do so, I also find that Petitioner has caused her own homelessness. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(3)(v), (vii). As such, I hereby impose upon her a six-month period of ineligibility for EA benefits, beginning April 4, 2018, the date of the Agency's denial, through October 3, 2018. See Exhibit R-1.

Exceptions to the Initial Decision were filed by Petitioner on April 19, 2018.

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.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that they do not alter my decision in this matter. Moreover, Petitioner included documents with her Exceptions which were not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.



By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

**APR 19 2018**

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Natasha Johnson

Director

