



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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

FINAL DECISION

OAL DKT. NO. HPW 11507-18 I.W.

AGENCY DKT. NO. C704454007 (ESSEX COUNTY DIVISION OF WELFARE)

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 voluntarily abandoned shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 13, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 14, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, while residing in an Agency placed shelter, Petitioner had submitted numerous Section 8 housing applications throughout the country, as required by the Agency. See Initial Decision at 2-4; see also Exhibit R-6. In July 2018, Petitioner located Section 8 housing in another state, and on July 19, 2018, after notifying two shelter officials, she left her shelter placement to take up residence at that located housing. See Initial Decision at 2-4. Petitioner did not notify the Agency that she was leaving the shelter, and may not return, but testified that it was her belief that the Agency would be notified by the shelter officials regarding her departure. *Id.* at 3. However, after an inspection of the apartment, Petitioner decided not to accept the apartment because it was uninhabitable. *Id.* at 3-4; see also Exhibits P-1 at 6-26, R-5. Of note, the Section 8 housing authority agreed that the apartment was uninhabitable. See Initial Decision at 4-5; see also Exhibit P-1 at 6. Thereafter, Petitioner returned to New Jersey, and on July 27, 2018, reapplied for EA benefits in the form of temporary shelter placement. See Initial Decision at 5. By notice on that same date, the Agency denied EA benefits to Petitioner, and imposed a six-month EA ineligibility penalty, contending that she had caused her own homelessness by voluntarily leaving her shelter placement. See Initial Decision at 3, 5; see also Exhibit R-2.

The ALJ found that, when Petitioner left her shelter placement to move to Section 8 housing in another state, she could not have known that the building had failed inspection, and that she had good cause to deem the home uninhabitable. See Initial Decision at 4-5; see also Exhibits P-1 at 6-26, R-5. Moreover, the ALJ noted that the Section 8 housing officials agreed that the home was uninhabitable, extended her housing voucher through October 2018, and did not penalized her for rejecting the proposed housing. See Initial Decision at 4-5; see also Exhibit P-1 at 6. Based on the foregoing, the ALJ concluded that Petitioner had good cause for leaving her shelter placement, and that she had taken reasonable steps to resolve her emergent situation. See Initial Decision at 5. Accordingly, the ALJ further concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Ibid.*; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). I agree.

No Exceptions to the Initial Decision were received.



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.

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

Officially approved final version.

AUG 24 2018

Natasha Johnson
Director

