



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 12281-18 J.M.

AGENCY DKT. NO. C250276007 (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 abandoned permanent affordable housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 29, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 30, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on September 5, 2018.

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 I hereby ADOPT WITH CONTINGENCIES the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the record reflects that Petitioner left public housing because she was assaulted, and physically injured while returning to her apartment, and determined that it was no longer safe to live in that apartment. See Initial Decision at 2; see also Exhibits P-2, R-2, R-4, R-5. Petitioner testified that she sought help from apartment officials to relocate, but that they were unsympathetic and unresponsive. See Initial Decision at 2. The proper course of action for Petitioner to take would have been to contact the Newark Housing Authority, who operated the apartment complex, which it appears, from the record presented, that she had not done. *Ibid.* Of note, Petitioner was also in the process of being evicted from her apartment for non-payment of rent, contending that she was unable to pay the rent because her unemployment ran out; her child's Supplemental Security Income ("SSI") benefits were terminated; and her adult child, who was helping to pay the rent, had moved out. *Id.* at 2, 4; see also Exhibits P-1, R-3. Petitioner went to live with her brother, but may no longer reside there after September 1, 2018. See Initial Decision at 3, 4; see also "Letter" dated August 22, 2018. Petitioner applied for EA benefits on August 23, 2018, but was denied said benefits on that same date by the Agency because



she had abandoned permanent affordable housing, thereby causing her own homelessness. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(vii). However, based on Petitioner's physical assault and her concern for the safety of her family, the ALJ concluded that Petitioner had good cause for abandoning her apartment, and therefore, that she did not cause her own homelessness. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty were improper, and must be reversed. See Initial Decision at 5; see also Exhibit R-1.

While I agree that Petitioner may have had good cause for leaving her housing, I find that Petitioner should have contacted the Newark Housing Authority prior to her decision to abandon her apartment, but she did not, and that they may have been able to assist with relocating Petitioner. See Initial Decision at 2, 4. Therefore, I find that Petitioner is eligible for EA benefits, in a form to be determined by the Agency, which may include shelter placement, contingent upon her contacting the Newark Housing Authority to pursue other public housing placement. If however, she has lost her eligibility for housing through the Newark Housing Authority, Petitioner's EA benefits shall be terminated and a six-month EA ineligibility penalty imposed on the basis that she caused her own homelessness. See N.J.A.C. 10:90-6.1(c)(3)(vii).

By way of comment, the Agency is reminded that evidence not presented at the hearing shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

Accordingly, the Initial Decision is hereby ADOPTED WITH CONTINGENCIES, and the Agency's action is REVERSED.

SEP 06 2018,

Officially approved final version.

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Natasha Johnson  
Director

