



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 16928-18 M.A.

AGENCY DKT. NO. C291087016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 29, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 30, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that on November 16, 2018, Petitioner applied for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, Supplemental Nutrition Assistance Program ("SNAP") benefits, and EA benefits. See Initial Decision at 3; see also Exhibit R-1. Petitioner was granted WFNJ/TANF and SNAP benefits, but by notice dated November 20, 2018, the Agency denied Petitioner EA benefits, contending that she failed to plan to avoid her emergency. See Initial Decision at 3; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(1). Specifically, the Agency denied EA benefits, contending that Petitioner moved to New Jersey without a plan, and caused her own emergent situation. See Initial Decision at 4; see also Exhibit R-2. Petitioner testified that she moved from Florida to New Jersey because she was unable to secure employment there, and was offered housing with her mother, rent free. See Initial Decision at 2. Following an incident concerning Petitioner's sister, Petitioner feared for herself and her child and left her mother's residence, moving in first with her child's paternal grandmother and then a friend. *Id.* at 2-3. However, the record reflects that the friend was about to move, and Petitioner would be forced to vacate the apartment. *Id.* at 3; see also Exhibit P-1. The ALJ found that Petitioner's decision to move from Florida to New Jersey, to live with her mother rent free, constituted a plan; that the situation at Petitioner's mother's house with Petitioner's sister created an unsafe environment and, given the circumstances, that Petitioner's leaving was reasonable; and that Petitioner faced imminent homelessness that would impede her ability to find employment. See Initial Decision at 4. Of note, the record reflects that Petitioner may have procured employment with a December 2018, start date, and that she has never received EA benefits. *Id.* at 3. Based on the foregoing, the ALJ concluded that Petitioner did not have the capacity to plan to avoid her homelessness,



and as such, that she had not caused her own homelessness. See Initial Decision at 3-4; 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 was improper and must be reversed. See Initial Decision at 4-5; 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.

DEC 06 2010

Natasha Johnson
Director

