



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 13066-17 M.L.

AGENCY DKT. NO. C080938011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit. The Agency denied Petitioner EA benefits for failure to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 3, 2017, the parties appeared for a hearing; however, at the request of the parties, the hearing was adjourned and rescheduled. On December 12, 2017, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 27, 2017, the ALJ issued an Initial Decision, affirming Agency's determination. Here, the record reflects that Petitioner receives \$786.25 in monthly Social Security Disability ("SSD") benefits. See Initial Decision at 6; see also Exhibit R-2. Petitioner began the process of applying for EA benefits in February 2017, but did not complete the application process until August 16, 2017, at which time the Agency denied Petitioner's application for "failure to plan." See Initial Decision at 5; see also Exhibits R-1, R-4. Prior to being approved for EA benefits, Petitioner and her adult daughter moved into a Section 8 apartment, in May 2017, where Petitioner's portion of the monthly rent is \$156. However, Petitioner was responsible for half of the \$1,683 security deposit, and the other half was to be paid by her daughter in three equal monthly installments. See Exhibit R-5. The record reflects that Petitioner made an agreement with the landlord to pay her half of the security deposit in monthly installments of \$100, which she began to pay in July 2017, and has continued to pay thereafter. See Initial Decision at 5-6; see also Exhibits P-1, P-2, and R-5. Additionally, the record indicates that Petitioner moved into Section 8 housing in May 2017, and began making security deposit payments, prior to the Agency's approval of her EA benefits application. See Initial Decision at 5.

Based on the foregoing, the ALJ found that between February 2017, and August 2017, Petitioner was not homeless or facing eviction from prior housing. See Initial Decision at 6. The ALJ also found that Petitioner not only had the capacity to plan in advance for permanent housing, but that she did so, and in fact, she had planned nine months in advance of the actual May 2017, moving date. *Ibid.* Further, the ALJ found that a true housing emergency was not involved, as Petitioner did not act promptly to provide documents and information needed by the Agency to process her EA benefits application. *Id.* at 7. Moreover, the ALJ found that Petitioner has worked out a payment plan with her landlord for the payment of her portion of the security deposit, and has been making those payments since July 2017. *Ibid.*; see also Exhibits P-1, P-2. As such, the ALJ concluded that Petitioner was ineligible for EA benefits and that the Agency's denial of said benefits to Petitioner was proper and must stand. *Id.* at 7; See also Exhibit R-1, and N.J.A.C. 10:90-2.2(a)(5), -6.1(c)(1)(i) (ii), -6.1(c)(2), -6.3(a)(1)(ii). I agree.

No Exceptions to the Initial Decision were received.



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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 ADOPTED and the Agency's determination is AFFIRMED.

Officially approved final version.

FEB - 5 2010

Natasha Johnson
Director

