



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 02247-18 S.C.

AGENCY DKT. NO. C416172016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she moved to New Jersey ("NJ") without a plan for self-sufficiency, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 15, 2018, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On that same day, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner moved to NJ without the prospect of employment and/or permanent housing. See Initial Decision at 3. After consideration of Petitioner's testimony regarding the causes of her homelessness, the ALJ found that her testimony was unreliable and unsubstantiated, and concluded that Petitioner was ineligible for EA benefits because she had the capacity to plan for self-sufficiency prior to moving to NJ, but failed to do so. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.1(c). Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper. See Initial Decision at 4; see also Exhibit R-1 at 1. I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on February 16, 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, because the ALJ found that Petitioner had the capacity to plan, but failed to do so, I find that Petitioner caused her own homelessness and, therefore, is ineligible for EA benefits for a period of six-months, from January 30, 2018, the date of the Agency's denial of said benefits, through July 29, 2018. See Initial Decision at 3; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:90-6.1(c)(3).

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the facts presented and arguments made therein do not alter my decision in this matter.



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

Officially approved final version.

FEB 23 2018

Natasha Johnson

Director

