



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 11915-18 V.R.

AGENCY DKT. NO. C446727007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she moved to New Jersey (hereinafter "NJ") from another state without a plan for permanent housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 21, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 22, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency denied EA benefits to Petitioner on August 10, 2018, asserting that Petitioner had the realistic capacity to plan for her housing emergency prior to arriving in NJ. See Initial Decision at 3; see also Exhibit R-2. The ALJ found, however, that Petitioner moved to NJ with her two children in order to escape domestic violence in another state. See Initial Decision at 2. Additionally, the ALJ found Petitioner moved to NJ with a plan to live at her grandmother's property and was informed that she could reside there for two or three months rent-free, after which time she would pay her grandmother \$1,000 in rent per month. *Ibid.* The record reflects, however, that within a couple of weeks of Petitioner's move into her grandmother's property, her cousin informed her that she had purchased the property and would immediately be charging Petitioner \$1,500 per month in rent. *Ibid.* Petitioner was unable to pay her cousin rent, and as a result, her cousin informed Petitioner that she would have to vacate the premises immediately. *Ibid.* Based on the foregoing, the ALJ concluded that Petitioner moved to NJ with a viable plan, and that Petitioner could not have anticipated, or otherwise planned for, being ejected from her grandmother's property. *Id.* at 4. Accordingly, the ALJ concluded that Petitioner is eligible for EA benefits and that the Agency's denial of such 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 Initial Decision in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Moreover, in light of Petitioner's claim that she moved to NJ due to domestic violence, I find that Petitioner is eligible for EA benefits, regardless of the Agency's contention that she moved to New Jersey without a plan. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(7). Additionally, the Agency shall refer Petitioner for a Family Violence Option Initiative risk assessment, if it has not done so already, in accordance with N.J.A.C. 10:90-20.1, et seq.



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

Officially approved final version.

AUG 30 2018

Natasha Johnson

Director

