



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 15439-19 M.C.

AGENCY DKT. NO. C110606016 (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 he moved to New Jersey ("NJ") without a plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 4, 2019, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 6, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on November 7, 2019.

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Here, the ALJ found that Petitioner left affordable housing and cardiac medical care in Puerto Rico, and knowingly moved into temporary housing in NJ without an offer of employment or without a plan for permanent, affordable housing. See Initial Decision at 3. Although Petitioner claimed that he had moved to NJ at the direction of his physician in Puerto Rico, so that he might receive better medical care, the ALJ found that Petitioner had not provided any documentation to substantiate that claim or to establish that he was not being provided adequate medical care in Puerto Rico. *Id.* at 3-4; see Exhibits P-1 through P-5. Based on the foregoing, the ALJ concluded that Petitioner's emergency was not due to circumstances beyond his control, and that he had the capacity to plan to avoid his emergency, but failed to do so, thereby causing his own homelessness. See Initial Decision at 4-5. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and imposed upon Petitioner a six-month period of ineligibility for EA benefits. *Id.* at 5-6; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3). However, the ALJ also found that Petitioner is not currently homeless, and there is no indication that he cannot continue to reside with his family member, and as such, I find that it cannot be said that Petitioner has caused his own homelessness. See Initial Decision at 5; see also Exhibits



P-6, R-1(a). Therefore, I find that Petitioner is not subject to a six-month EA ineligibility penalty at present. The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

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