



State of New Jersey

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*Governor*

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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 11458-19 R.H.

AGENCY DKT. NO. C403070007 (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 abandoned shelter placement, without good cause, and that she is not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 22, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 23, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on August 27, 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, on other grounds, as discussed below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-6.3(a)(1) (ii). EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

Here, the Agency denied Petitioner EA benefits, contending that she had abandoned her shelter placement, without prior notice of good cause to the Agency, and that she was not currently homeless or imminently homeless. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c) (3). The ALJ found that Petitioner had sufficient reason for abandoning her shelter placement. See Initial Decision at 5. Specifically, the ALJ found Petitioner credible when she testified that she had left that shelter placement because she was the victim of an attempted robbery and felt unsafe, and further found that same was sufficient proof to rebut the Agency's determination. Ibid. Based on the foregoing,



the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper, and that any imposition of a six-month EA benefits ineligibility penalty was also improper. Ibid.

I agree with the ALJ's conclusion that Petitioner had good cause for abandoning her shelter placement, and adopt that portion of the Initial Decision. Ibid. However, based on an independent review of the record, I find that Petitioner is not homeless, nor imminently homeless, and as such, she is ineligible for EA benefits. Id. at 4; see also N.J.A.C. 10:90-6.1(c). Specifically, the record reflects that Petitioner is currently living with a friend in that friend's apartment, that she is paying her friend monthly rent of \$150, and that there is no indication that Petitioner can no longer continue to reside with her friend. See Exhibit P-1; see also N.J.A.C. 10:90-6.3(a)(1)(ii). Accordingly, on these grounds, I affirm the Agency's denial of EA benefits to Petitioner. See Exhibit R-1. Further, because I concur with the ALJ's finding, that Petitioner had good cause for abandoning her shelter placement, I also find that Petitioner is not subject to a six-month EA benefits ineligibility penalty. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c) (3). The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is advised that she may reapply for EA benefits should her housing circumstances change.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, on other grounds, as outlined above.

Officially approved final version.

*AUG 30 2019*

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Natasha Johnson  
Director

