



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 12410-19 T.M.

AGENCY DKT. NO. C165481015 (OCEAN 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 she had the capacity to plan to avoid her housing emergency, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 11, 2019, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 12, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that in September of 2018, after losing her job and being unable to pay her rent, Petitioner was evicted from her housing in another state. See Initial Decision at 2. Being unable to secure housing in that state, on April 2, 2019, Petitioner made arrangements to live with a family member in Monmouth County, New Jersey. *Ibid.* When that arrangement did not work out, Petitioner privately paid for shelter and sought work in Ocean County. *Id.* at 2-3. Of note, the record also reflects that prior to moving to Ocean County, Petitioner applied for, and was denied, Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and EA benefits in Monmouth County. *Ibid.*; see also Exhibit R-3. On July 15, 2019, Petitioner had secured a housecleaning job at an Ocean County motel which provided her with an income of \$50 a day, plus housing. See Initial Decision at 3; see also Exhibit R-5. However, on August 2, 2019, Petitioner's motel job and housing were terminated because her housecleaning skills did not meet the motel's standards. See Initial Decision at 4; see also Exhibit R-5. Shortly thereafter, Petitioner and her boyfriend had a serious fight and he left the household. See Initial Decision at 3-4. Consequently, on August 9, 2019, Petitioner again applied for WFNJ/TANF and EA benefits, this time in Ocean County. *Id.* at 2; see also Exhibit R-2. The Agency granted WFNJ/TANF benefits to Petitioner, but she was denied EA benefits on the basis that she had the capacity to plan to avoid her housing emergency, but failed to do so. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). The ALJ found that during previous housing emergencies, Petitioner had planned and had secured employment for herself and housing for her family. See Initial Decision at 5. Further, the ALJ found that Petitioner's loss of employment and the abandonment of the family by her boyfriend could not have been anticipated by Petitioner, and as such, she did not have the realistic capacity to plan to avoid her current housing emergency. *Ibid.* Accordingly, the ALJ concluded that



the Agency's denial of EA benefits to Petitioner was improper and must be reversed. Ibid.; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1)(i). 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 final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

SEP 18 2019

Natasha Johnson
Director

