



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
TRENTON, NJ 08625-0716

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 01968-19 T.T.

AGENCY DKT. NO. C371643007 (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 ("NJ") without a plan for permanent housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 8, 2019, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 11, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner testified that she moved to NJ from another state because the housing that was offered to her in that state did not adequately meet her medical needs; particularly, she claimed that there was no transportation available for her doctor visits. See Initial Decision at 2; see also Exhibits P-5 through P-10. However, the ALJ found that Petitioner had failed to present any credible evidence indicating that she could not have obtained additional assistance in that other state. See Initial Decision at 3. Further, Petitioner testified that she moved to NJ with a plan to initially live with her aunt, and if that did not work out, to move in with a friend. *Id.* at 2-3. Specifically, the record shows that immediately upon Petitioner's arrival in NJ she was advised by her aunt that she could not stay in her apartment, that she then moved into a temporary shelter, and then temporarily moved in with a friend, and that currently she resides in another shelter. *Ibid.*; see also Exhibits P-11, P-12. Based on the testimony and evidence presented, the ALJ found that Petitioner moved to NJ without a reasonable plan for housing, and without a means of support. See Initial Decision at 3. Accordingly, the ALJ concluded that Petitioner had caused her own homelessness and that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on February 15, 2019.

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 I concur with the ALJ's finding that Petitioner caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits. Petitioner's six-month EA ineligibility penalty shall run from January 23, 2019, the date of the Agency's denial, through July 22, 2019. See Exhibit R-1; see also N.J.A.C. 10:90-6.1(c)(3).

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.



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Also by way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the 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 21 2019

Natasha Johnson

Director

