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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 00758-18 B.W.

AGENCY DKT. NO. C704472007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of shelter placement. The Agency denied Petitioner EA benefits because Petitioner failed to submit information to the Agency regarding income and because Petitioner had a realistic capacity to plan for future housing needs. The Agency also denied Petitioner EA benefits because there was no imminent danger of homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 19, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 22, 2018, the ALJ issued an Initial Decision, affirming Agency's determination. Here, the record reflects that Petitioner and Petitioner's child lived with a friend for a period of one year, beginning approximately the Spring of 2016, to the Spring of 2017. See Initial Decision at 4. In June 2017, Petitioner and child went to another state to take care of a friend. Ibid. Petitioner and child returned to New Jersey in September 2017, and discovered that the friend they had been living with previously had moved, thereby making it impossible to continue living with that friend. Ibid. Petitioner and child then began living with a relative in the relative's studio apartment. Ibid. On December 18, 2017, Petitioner applied for EA benefits and provided a letter from Petitioner's relative informing the Agency that Petitioner had to leave due to overcrowding. Ibid.; see also Exhibits R-1 and P-1. Since leaving the relative's apartment, Petitioner's child has been living with Petitioner's godmother, and Petitioner has found shelter in a friend's home. Ibid. The ALJ concluded that when Petitioner left the friend's apartment in the Spring of 2016, Petitioner quit permanent, affordable housing to do so, thereby making Petitioner ineligible for EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c)(1)(vii). Moreover, the ALJ found there is no housing emergency as Petitioner and Petitioner's child have since found shelter and are not imminently homeless. Ibid.; see also N.J.A.C. 10:90-6.1(c)(1). Finally, the ALJ found that on December 18, 2017, as part of the EA application process, the Agency requested Petitioner to provide information regarding her income. See Initial Decision at 4. Petitioner admitted that she did not provide this information to the Agency. Ibid. Rather, at the hearing, Petitioner testified that she receives between \$50 and \$100 every one or two weeks for her support. Ibid. Petitioner also provided paystubs from her employment showing her earnings beginning November 26, 2017, through January 6, 2018. See Initial Decision at 3; see also Exhibits P-2, P-3 and P-4. The ALJ concluded that Petitioner's withholding of information, which was needed by the Agency to properly determine her eligibility for EA benefits, demonstrates her lack of cooperation with the Agency and serves as a proper basis for the denial of EA benefits. See Initial Decision at 5; see also Exhibit R-2 and N.J.A.C. 10:90-6.1(c)(2). As such, the ALJ concluded that Petitioner was ineligible for EA benefits, and that the Agency's denial of EA benefits to Petitioner was therefore proper. See Initial Decision at 6; see also Exhibit R-3. I agree.

No Exceptions to the Initial Decision were received.



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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 ADOPTED and the Agency's determination is AFFIRMED.

Officially approved final version.

JAN 30 2018

Natasha Johnson

Director

