



State of New Jersey

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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 02545-18 I.H.

AGENCY DKT. NO. C703705007 (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 Petitioner caused her own homelessness by moving to Essex County without a plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 21, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On that same day, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, Petitioner testified that she was evicted from her apartment in Bergen County and was offered, and accepted, employment and housing in Essex County at a friend's insurance agency. See Initial Decision at 2. In exchange for her services as a bookkeeper, Petitioner's friend let her live in the residential unit above the insurance company office. Ibid. Later, after an argument with her friend, Petitioner lost the job and apartment in Essex County and faced imminent homelessness. See Initial Decision at 2-3; see also Exhibit P-1. Petitioner applied for EA benefits in Essex County on February 8, 2018, and was denied on February 13, 2018. See Initial Decision at 3; see also Exhibit R-1. The Agency denied Petitioner EA benefits, stating that she should have sought EA benefits in Bergen County prior to moving to Essex County, and that she failed to plan for the later eviction from her Essex County apartment. Id. at 3-4. The ALJ reversed the Agency's decision, finding that Petitioner's decision to move from Bergen County to Essex County to secure housing and employment was reasonable and did not constitute a failure to plan, and that Petitioner could not have foreseen the abrupt eviction from her apartment. Ibid; see also N.J.A.C. 10:90-6.1(c). Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1. 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.

By way of comment, Petitioner is advised that the Agency shall determine the appropriate form of EA benefits needed to address her emergent situation, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).



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

Officially approved final version.

FEB 27 2010

Natasha Johnson
Director

