



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 08416-18 M.P.

AGENCY DKT. NO. C672697007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for a hardship extension of EA benefits contending that she did not take reasonable steps to resolve her housing emergency, specifically, that she did not submit housing searches in accordance with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 15, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 19, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on June 8, 2018, Petitioner applied for a hardship extension of EA benefits. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:9-6.4(b). Petitioner's application for a hardship extension states, in pertinent part, "[i]n order to be considered for [a hardship extension], you must be in full compliance with your EA [SP]." See Exhibit R-1 at 1. Petitioner testified that she performed "a few" housing searches in October and November 2017, and again in May and June of 2018. See Initial Decision at 3; see also Exhibit P-2. Petitioner further testified that she made approximately seven or eight telephone calls for non-subsidized housing in March 2018, and approximately 15 to 20 telephone calls between December 2017, and June 2018, seeking subsidized housing. Ibid. The ALJ found that Petitioner did not make a continuous effort to comply with her obligation to seek affordable housing, as required by her SP, thereby establishing that she did not take reasonable steps to resolve her housing emergency. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.4(b). The ALJ further found that Petitioner is not in danger of becoming homeless as no demand has been made for her to leave her family member's apartment, nor has any eviction action been filed. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that Petitioner's failure to perform and submit housing searches violated her SP, and therefore, the Agency's denial of her application for a hardship extension of EA benefits was proper and must stand. See Initial Decision at 6; see also Exhibit R-2, and N.J.A.C. 10:90-6.4(b). I agree.

Additionally, because I agree with the ALJ's conclusion that Petitioner violated her SP, without good cause, I hereby impose upon her a six-month period of ineligibility for EA benefits, beginning June 8, 2018, the date of the Agency's denial, through December 8, 2018. See Initial Decision at 6; see also Exhibit R-2, and N.J.A.C. 10:90-6.6(a).

Exceptions to the Initial Decision were filed by Petitioner on June 27, 2018.

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.



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By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Moreover, Petitioner included documents with her Exceptions which were not introduced before the ALJ at the hearing. I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. See N.J.A.C. 1:1-18.4(c).

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

Officially approved final version.

Natasha Johnson
Director

JUN 28 2018

