



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

NATASHA JOHNSON  
*Assistant Commissioner*

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 14084-19 A.F.

AGENCY DKT. NO. C428923016 (PASSAIC 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 moved to New Jersey ("NJ") without a plan, and that she had the capacity to plan to avoid her emergency, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 11, 2019, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on October 11, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that from September 2017, through July 2019, prior to moving to NJ, Petitioner and her three children had been living with her mother in a three-bedroom apartment in another state. See Initial Decision at 2. Of note, Petitioner's two sisters and brother-in-law also resided in her mother's apartment. *Ibid.* Petitioner testified that she had voluntarily left her mother's apartment, due to a disagreement over Petitioner's children, and because the landlord had complained about overcrowding and her children's behavior. *Ibid.*; see also Exhibit P-1. The ALJ found that Petitioner's mother had not asked, or required, Petitioner to leave the residence, nor had the landlord started eviction proceedings, but rather, that Petitioner had "voluntarily and without compulsion," moved to NJ without a realistic plan for shelter or income. See Initial Decision at 3. At the hearing, Petitioner claimed that she moved to NJ in July 2019, with the intention of finding employment, however, the ALJ found that, to date, Petitioner had not sought employment. *Id.* at 3, 5. Based on the foregoing, the ALJ found that Petitioner had the realistic capacity to plan to avoid her emergency, but failed to do so, and therefore, concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 5; see also Exhibit R-1 at 1, and N.J.A.C. 10:90-6.1(c). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on October 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 conclusion, I find that Petitioner has caused her own homelessness, and as such, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from September 30, 2019, the date of the Agency's denial, through March 29, 2020. See Exhibit R-1 at 1.

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.

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.

OCT 17 2019

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Natasha Johnson  
Assistant Commissioner

