



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 06588-19 A.P.

AGENCY DKT. NO. C230554016 (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 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 May 20, 2019, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 21, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, her four children, and her mother were living in New York ("NY") in an affordable apartment with a monthly rent of \$1700, and that Petitioner was being paid \$606 per week by a NY state program to care for her ill mother. See Initial Decision at 2-3; see also Exhibit P-2. It appears from the record that at some time prior to April 26, 2019, Petitioner's mother moved into a two-bedroom apartment in NJ where she resides with a roommate. See Initial Decision at 4-5. Petitioner testified that on April 26, 2019, she moved to NJ without a plan for work or housing, intending to move in with her mother and the roommate, and to apply for welfare. *Id.* at 3. However, by letter dated May 13, 2019, Petitioner's mother stated that she could not provide housing to Petitioner and her children any longer, and at the time of the hearing in this matter, Petitioner and her children were in a motel placement arranged by a charity organization. *Id.* at 2; see also Exhibit P-1. The ALJ found that Petitioner was never evicted in NY, she never applied for welfare in NY, she never sought work in either NY or NJ, and she never applied for unemployment benefits in NY or NJ. See Initial Decision at 3. Further, the ALJ did not find Petitioner credible when she testified that she had relied on her mother's representation that she and her four children could reside with her and her roommate in the NJ apartment. *Id.* at 4. Rather, the ALJ found that Petitioner's mother had moved to NJ in order to live apart from Petitioner and her four children, and to be cared for by a different individual in NJ. *Ibid.*; see also Exhibit P-1. Based on the testimony and evidence presented, the ALJ found that Petitioner had moved to NJ without a reasonable plan for housing, and without a means of support. See Initial Decision at 5. 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 5-6; 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 May 24, 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 May 13, 2019, the date of the Agency's denial, through November 12, 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.

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.

MAY 30 2019

Natasha Johnson

Director

