



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 08914-19 G.R.

AGENCY DKT. NO. C251443009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner's behavior caused his homelessness, and that he had the capacity to plan to avoid his homelessness, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 8, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 9, 2019, the ALJ issued an Initial Decision reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the record indicates that in December 2018, Petitioner had lost his pizza delivery job because his driver's license was suspended due to his failure to pay parking tickets, resulting in his inability to pay his rent, and his consequent eviction. See Initial Decision at 2; see also Exhibits R-1, P-2. Based on the foregoing, the Agency denied Petitioner EA benefits and imposed a six-month EA ineligibility penalty. See Initial Decision at 2; see also Exhibits P-2, R-1, R-2, R-3, and N.J.A.C. 10:90-6.1(c)(3)(vi). Regardless, based on Petitioner's particular circumstances, of which it appears the Agency had been unaware, the ALJ found that Petitioner did not leave his employment without a plan, despite his inability to find employment thereafter. See Initial Decision at 4. Specifically, Petitioner credibly testified that his household consists of himself and his two minor children, and that he had saved and had paid his \$1,200 rent for the months of January, February, and March 2019, fully expecting to be able to find employment. *Id.* at 3-4. Additionally, Petitioner was unable to collect Unemployment Insurance Benefits because he was paid "under the table," but had diligently searched for employment, having submitted his resume to more than 50 jobs, and having gone to at least 15 interviews. *Id.* at 3. And finally, in June 2019, Petitioner's deteriorating medical condition caused him to be hospitalized, and he currently has



a MED-1 form indicating that he is temporarily incapacitated until December 13, 2019. Id. at 2-3; see also Exhibit P-1. Based on the foregoing, the ALJ concluded that the Agency had failed to establish, by a preponderance of the credible evidence, that Petitioner had caused his own homelessness, or that he had failed to plan to avoid his homelessness. See Initial Decision at 5-6. Accordingly, the ALJ reversed the Agency's denial of EA benefits to Petitioner. Id. at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). Based on the totality of Petitioner's circumstances, and his efforts to avoid his emergent situation, I agree with the ALJ's ultimate conclusion in this matter.

By way of comment, Petitioner is advised that EA benefits shall be provided to him in a form to be determined by the Agency, 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 action is REVERSED.

Officially approved final version.

JUL 11 2019

Natasha Johnson

Director

