



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 03227-19 M.K.

AGENCY DKT. NO. C763498007 (ESSEX COUNTY DIVISION OF WELFARE)

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 she moved from another county without a plan for permanent housing or employment, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 26, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same date, 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.

Pursuant to N.J.A.C. 10:90-6.1(c)(7), "Emergency assistance is [] available in situations where there is an indication that an individual, or a parent and his or her children, have left their customary residence and that the unit is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit."

Here, Petitioner testified that she, and her two minor children, left permanent housing in another county in June 2018, due to domestic violence ("DV") and moved in with her cousin. See Initial Decision at 2. Although the Agency claimed that it was unaware that Petitioner was the victim of DV, Petitioner indicated on her EA benefits application that she is a victim of DV. Id. at 3; see also Exhibit R-2 at 5. Petitioner further testified that she was unable to remain with her cousin, because her cousin had moved out of the residence that they had shared. See Initial Decision at 2. Thereafter, in October 2018, Petitioner moved in with a friend, with an understanding that this was going to be her permanent residence, and without knowledge that her friend was behind in her rent. Id. at 3. However, shortly thereafter, on March 22, 2019, Petitioner's friend was evicted from the apartment for non-payment



of rent, and Petitioner was left homeless. Ibid.; see also Exhibits P-1, P-2, P-3. The ALJ found Petitioner credible when she testified that she moved from permanent housing in another county due to DV, and that Petitioner's current emergency was caused by her cousin's unexpected move and her friend's unexpected eviction, neither of which she could have anticipated or otherwise planned for. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that Petitioner did not cause her own homelessness, but rather that her homelessness was due to circumstances beyond her control. Ibid. Accordingly, the ALJ concluded that Petitioner is eligible for EA benefits, and that the Agency's denial of such benefits to Petitioner, and its imposition of a six-month EA ineligibility penalty, were improper and must be reversed. Id. at 5; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c), -6.1(c)(7). I agree.

By way of comment, the Agency shall refer Petitioner for a Family Violence Option Initiative risk assessment, if it has not done so already, in accordance with N.J.A.C. 10:90-20.1, et seq. See Initial Decision at 3; see also Exhibit R-2 at 5.

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

Officially approved final version.

MAR 28 2019

Natasha Johnson
Director

