



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 03372-19 T.D.

AGENCY DKT. NO. C185636016 (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 self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 13, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 14, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner, her partner R.N., and her minor daughter, moved to NJ to live with Petitioner's aunt in her two-bedroom apartment, and that R.N. planned to look for employment in construction. See Initial Decision at 3. Petitioner and her family moved to NJ because they were evicted from their apartment in another state for non-payment of rent. Ibid.; see also Exhibits P-1, R-2 at 15. Petitioner testified that, she was unable to pay the rent because R.N.'s employment was sporadic and paid minimum wage, she could no longer work due to her medical condition, and she had been denied Unemployment Insurance Benefits. See Initial Decision at 3; see also Exhibits P-2, R-5, R-6. Shortly after moving in with her aunt, Petitioner was asked to move out of the apartment because her aunt's daughter and children had moved in, causing overcrowding and the threat of eviction from the landlord. See Initial Decision at 3; see also Exhibits R-1 at 12, R-4. Petitioner then applied for EA benefits, and was denied said benefits by the Agency on the basis that she moved to NJ without a plan for self-sufficiency, and that she had the capacity to plan to avoid her emergent situation. See Initial Decision at 2; see also Exhibit R-1 at 1-11, and N.J.A.C. 10:90-6.1(c). However, the ALJ found that it was Petitioner's plan to move to NJ to live with her aunt until R.N. could find work, and they could find their own apartment, and that it was due to the sudden unanticipated event of her aunt's daughter and children moving into the apartment that Petitioner was homeless. See Initial Decision at 4. The ALJ also found that Petitioner and R.N.'s loss of employment established good cause for their failure to pay the rent on their prior apartment, and that their failure to apply for assistance in the other State was of no consequence. Id. at 4-5. Based on the foregoing, the ALJ concluded that Petitioner is in a state of homelessness due to circumstances beyond her control, and that the Agency had failed to prove, beyond a preponderance of the evidence that Petitioner moved to NJ without a plan. Id. at 5. Accordingly, the ALJ found that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. Ibid.; see also Exhibit R-1 at 1-3, and N.J.A.C. 10:90-6.1(c). I agree.

No Exceptions to the Initial Decision were received.



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.

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

Officially approved final version.

Natasha Johnson
Director

MAR 21 2019

