



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 7851-15 C.G.

AGENCY DKT. NO. C100390 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she had the realistic capacity to plan for substitute housing, failed to do so, thereby causing her own housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 5, 2015, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 8, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

In the present matter, the ALJ found that Petitioner knew, since October 2014, that her living arrangement with her mother was only temporary. See Initial Decision at 2-3. Thereafter, Petitioner moved in with a friend, with whom she continues to reside. Ibid. The ALJ noted that Petitioner had previously applied for EA benefits in February 2015, was also denied EA benefits at that time for the same reasons by the Agency, and still had yet to find more permanent housing. Ibid. Based upon these facts, the ALJ concluded that Petitioner had a realistic capacity to plan in advance for substitute housing in this matter. See id. at 3. The ALJ further concluded that Petitioner had provided no proof of homelessness or imminent homelessness. Ibid. Therefore, the ALJ found that the Agency properly denied Petitioner EA benefits. See id. at 4. I concur with this decision.

By way of comment, it appears from the record that Petitioner had childcare issues that may be inhibiting her ability to work. See Initial Decision at 2. Petitioner is advised that she may be eligible for the payment of child care services through the WFNJ/TANF program and should contact the Agency in this regard. See N.J.A.C. 10:90-5.2, -5.3.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED based on the above discussion.

Signed Copy on File

at DFD, BARA

JUN 24 2015

Natasha Johnson

Director