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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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 **16851-18 Y.J.**

AGENCY DKT. NO. **C499752007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of shelter placement. The Agency denied Petitioner EA benefits contending that she failed to take reasonable steps to resolve her emergency and that she had the capacity to prevent her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 28, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained opened to allow Petitioner to submit additional documents regarding her previous eviction. Petitioner submitted additional documents, and the record then closed on November 29, 2018.

On that same date, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner previously received EA benefits from Passaic County in the form of temporary rental assistance ("TRA") from June 2016, through July 2017. See Initial Decision at 3; see also Exhibit R-6 at 5-7. The Agency in Passaic County terminated Petitioner's EA/TRA benefits in July 2017. See Initial Decision at 3. On August 16, 2017, Petitioner was evicted from housing in Passaic County. Id. at 5; see also Exhibit R-7 at 3. Thereafter, Petitioner obtained full-time employment in December 2017, and within the same month, the Agency in Passaic County terminated Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. See Initial Decision at 3. Petitioner testified that in June 2018, she could not work due to her pregnancy, and had voluntarily left her job. Id. at 4; see also Exhibits R-2 at 1, R-3 at 1. Also in June 2018, Petitioner and her children moved in with a friend in Essex County. See Initial Decision at 4. On November 19, 2018, Petitioner was asked to move out of the friend's apartment, due to the lack of space. See Initial Decision at 2; see also Exhibits R-4 at 1, R-5. On that same date, Petitioner applied for EA benefits in the form of shelter placement. See Initial Decision at 2; see also Exhibits R-2 at 1, R-4. The ALJ found that, when Petitioner's EA/TRA benefits were terminated in July 2017, and Petitioner was evicted the following month, she was in a state of homelessness beyond her control and lacked a realistic capacity to plan in advance for substitute housing. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(1)(i). Based on the foregoing, the ALJ concluded that the Agency's denial of Petitioner's application for EA benefits must be reversed. See Initial Decision at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1)(i). I agree. Additionally, Petitioner is advised that the Agency shall determine the most appropriate form of EA which is required to address her needs, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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.   DEC 0 6 2018

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Natasha Johnson
Director