



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 9138-15 A.L.

AGENCY DKT. NO. C274791 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits because she caused her own homelessness and had a realistic capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 25, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was left open until July 1, 2015, for the submission of additional documents by Petitioner after which the record closed. On July 6, 2015, the ALJ issued her Initial Decision affirming the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT in part, and MODIFY in part, the Initial Decision, and AFFIRM the Agency determination.

In order to be EA eligible, the assistance unit must be 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. See N.J.A.C. 10:90-6.1(c). EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

The record reflects that in January, 2012, Petitioner and her two children moved from Texas to New Jersey to live with Petitioner's grandparents. See Initial Decision at 1. Petitioner was employed from January 2012, through January 2015, at which time Petitioner left her job because her employer changed her work hours and Petitioner had no one to care for her children. See Initial Decision at 2.

Additionally, Petitioner had an argument with her grandparents in January of 2015, and her grandparents forced Petitioner and her children to move out of their home. *Ibid.* Thereafter, Petitioner and her children lived with a friend, S.B., from January 2015, through May 17, 2015, when S.B. asked them to leave because of lack of space. See Initial Decision at 2; see also Exhibit P-1. Petitioner and her children then stayed with Petitioner's mother, C.L., but were asked to leave on June 5, 2015, because C.L. had a nervous condition and could not tolerate the crying babies. See Initial Decision at 3; see also Exhibit P-2. Finally, Petitioner and her children moved to the apartment of another friend, A.M., but A.M. asked them to leave by July 1, 2015, because her landlord did not give permission for Petitioner and her children to reside there. See Initial Decision at 3; see also Exhibit P-3.

In her Initial Decision, the ALJ found that Petitioner abandoned permanent housing in her grandparents' home after living there for three years. See Initial Decision at 7-8. The ALJ also found that Petitioner had the realistic capacity to plan for alternate housing before the situation intensified to the point that her grandparents forced Petitioner to leave. *Ibid.* On that basis, the ALJ concluded, and I concur, that the Agency's denial of EA to Petitioner was warranted. See Initial Decision at 8. Further, the ALJ concluded, and I agree, that the imposition of a six-month EA ineligibility penalty is appropriate. *Ibid.*; see also N.J.A.C. 10:90-6.1(c)(3).

However, I disagree with the ALJ's Order that Petitioner and the Agency should meet to update an EA service plan, because the denial of EA and imposition of a six-month EA penalty render that issue moot and I therefore modify the Initial Decision accordingly. See Initial Decision at 8. I do agree with the ALJ that Petitioner is to provide the Agency with the three documents enumerated in the Initial Decision, for the Agency to review regarding Petitioner's continued receipt of cash benefits and Petitioner is directed to provide same to the Agency if she has not already done so. See Initial Decision at 8.

By way of comment, a copy of the Initial and Final Decisions will be sent to the Division of Child Protection and Permanency ("DCP&P"), f/k/a the Division of Youth and Family Services ("DYFS"), to ensure that the health, safety, and welfare of Petitioner's children are protected.

By way of further comment, the Agency shall refer the Petitioner to any resources or agencies which may assist her with her housing needs.

Accordingly, the Initial Decision is hereby ADOPTED in part, and MODIFIED in part, and the Agency determination is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

JUL 15 2016

Natasha Johnson
Director