



State of New Jersey

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 13811-15 C.D.

AGENCY DKT. NO. C087127 (MERCER 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 had the capacity to plan in advance to avoid her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2015, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On September 16, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination. The record indicates that when Petitioner was advised that she needed to leave her mother's home by July 1, 2015, she found an apartment, and signed a lease, dated June 23, 2015. See Initial Decision at 3; see also Exhibit R-1 at 9-11. Her rent is \$900 per month, plus utilities. See Initial Decision at 2. Additionally, the record shows that around this same time, Petitioner looked for, and found employment, with a start date of July 9, 2015, and paying \$17.15 per hour. *Id.* at 3. However, after a criminal background check, which appears to have come back erroneously marked as "pending," the offer of employment was withdrawn. *Ibid.* The record indicates that Petitioner learned this withdraw of employment on July 8, 2015. *Ibid.* As a result, Petitioner was unable to pay her rent for the months of August and September. *Id.* at 2. Consequently, the record indicates that Petitioner is now facing imminent eviction. *Ibid.*

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Based on the foregoing facts, the ALJ found that Petitioner did make a plan to avoid her emergent situation, albeit, when her employment fell through she was unable to pay her rent and her plan fell apart. Accordingly, the ALJ reversed the Agency's denial of EA benefits.

Exceptions to this Initial Decision were filed by the Agency on September 21, 2015.

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 in this matter.

By way of comment, I have reviewed Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

SEP 24 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director