



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting 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 2253-15 F.G.

AGENCY DKT. NO. C063574 (BURLINGTON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"), as well as the imposition of a six-month penalty on her receipt of such benefits. The Agency terminated Petitioner's EA/TRA benefits because they determined that Petitioner had the reasonable capacity to plan in advance to prevent homelessness but failed to do so, thereby causing her own homelessness. On March 25, 2015, the Honorable Patricia M. Kerins, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 21, 2015, the ALJ issued her Initial Decision, which reversed the Agency's termination of Petitioner's EA/TRA benefits and the imposition of a six-month penalty. See Initial Decision at 5. As found by the ALJ, Petitioner presented credible evidence showing she had to move out of the residence in the State of Georgia, where she had been living with her brother and his girlfriend because they insisted that she vacate. *id.* at 4. More importantly, Petitioner left the residence because her brother's girlfriend, who was also the sole lease-holder of the residence, threatened Petitioner's four children with violence. *id.* at 3-4. Further, Petitioner showed that she thereafter accepted an offer of residence in New Jersey from her aunt and uncle, who expressed a desire to help Petitioner and her children. *Id.* at 3. Petitioner therefore moved to her aunt and uncle's with her children, intending to obtain a job and enroll the children in school. *id.* However, within approximately a month after Petitioner's moving in, her aunt and uncle advised her

that their son and his children unexpectedly had to move in with them and Petitioner and her children thus had to leave within two weeks, as there was no longer room in their home to accommodate Petitioner and her children. id. at 4-5.

The ALJ concluded that Petitioner did not cause her own homelessness and that she did not fail to realistically plan to avoid her own homelessness. See Initial Decision at 6. Accordingly, the ALJ ordered, and I concur, that the Agency's action terminating Petitioner's EA/TRA benefits and the imposition of a six-month penalty be reversed.

Exceptions to the Initial Decision were received from the Agency on April 29, 2015 and from Petitioner on May 11, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, including the filed exceptions, and following an independent review of the record; I concur with the ALJ's decision and hereby ADOPT the Findings of Fact and Conclusions of Law in this matter.

By way of comment, the Agency, shall also refer the Petitioner for a domestic violence assessment, if not done so already, pursuant to N.J.A.C. 10:90-20.1 et seq.

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

**MAY 21 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director