



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Acting Commissioner

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Director
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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 11772-15 J.J.

AGENCY DKT. NO. C218281 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her request for Emergency Assistance ("EA") in form of Temporary Rental Assistance ("TRA"), and the imposition of a six-month period of EA ineligibility. The Agency denied Petitioner's application for EA because it contended that Petitioner had voluntarily moved from North Carolina to come to New Jersey with no plan for self-sufficiency or promise of permanent housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 17, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held an emergency plenary hearing, took testimony and admitted documents into evidence.

On August 17, 2015, the ALJ issued his Initial Decision, which affirmed the Agency's denial of EA. See Initial Decision at 3. The ALJ agreed with the Agency that although Petitioner had the realistic capacity to plan in advance for substitute housing, she failed to do so by voluntarily moving from North Carolina to New Jersey without having planned for substitute housing and without having obtained a promise of employment, thereby causing her own emergency. *Ibid.*

Exceptions to the Initial Decision were filed by counsel on behalf of Petitioner on August 18, 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 decision and hereby adopt the Findings

of Fact and Conclusion of Law in this matter. Additionally, I find that because Petitioner had the realistic capacity to plan to avoid her emergency but nonetheless, without good cause, failed to do so, thereby causing her own homelessness, she is ineligible for EA for a period of six months beginning on the day Petitioner's application for EA was denied, specifically August 5, 2015. See N.J.A.C. 10:90-6.1(c)(3); see also Exhibit R-1.

By way of comment, I find the arguments made in Petitioner's Exceptions to be unpersuasive.

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

Signed Copy on File
at DFD, BARA

AUG 27 2015

Natasha Johnson
Director