



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 6369-15 K.W.

AGENCY DKT. NO. V528639 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's action seeking recoupment of an overpayment of Emergency Assistance ("EA") benefits issued from August 2012 through February 2013. The Agency is seeking recoupment of Petitioner's EA benefits because an audit of his case showed that there was no documentation in his file of how he had become homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 23, 2015, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony and admitted documents.

On June 24, 2015, the CALJ issued her Initial Decision, reversing the Agency's determination. Here, the record indicates that the Agency is seeking recoupment of six months of EA benefits based on the probability that Petitioner caused his own homelessness, and should have incurred a six-month period of ineligibility for EA benefits at the time he applied in 2012. See Initial Decision at 1; see also Exhibits R-1, R-2. This finding by the Agency was based on an audit of Petitioner's case file which was found to be devoid of any documentation of how he became homeless at that time. See Initial Decision at 1-2. Additionally, the Agency alleged that Petitioner moved from Florida to New Jersey for the purpose of claiming benefits. *Id.* at 4. After Petitioner's testimony, which the CALJ found credible, and finding no evidence in the record that genuinely challenged Petitioner's story, the CALJ found that

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Petitioner did not cause his own homelessness by moving from Florida to New Jersey, he had long been homeless, and there was nothing in the record to support an intent to come to New Jersey for the purpose of claiming benefits. Ibid. Accordingly, the CALJ reversed the Agency's determination.

No Exceptions to this Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the CALJ's Initial Decision and following an independent review of the record, I concur with the CALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

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

Signed Copy on File

at DFD, BARA

JUL 14 2015

Natasha Johnson

Director