



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
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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 3873-15 L.B.

AGENCY DKT. NO. C239805 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits because Petitioner allegedly caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 30, 2015, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, admitted documents, and issued an Initial Decision which affirmed the Agency determination, and imposed a six-month period of EA ineligibility.

Exceptions to the Initial Decision were submitted by Petitioner on March 31, 2015.

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 ADOPT the Findings of Fact and Conclusions of Law in the Initial Decision and AFFIRM the Agency determination.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). In relevant part, EA is available when the assistance unit is in a state of homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing, and the Agency determines that EA is necessary for health and safety. N.J.A.C. 10:90-6.1(c). EA benefits shall not

be provided for a period of six months when an adult EA benefits applicant or recipient has caused his or her own homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

The Agency in this matter denied EA benefits because Petitioner was neither homeless, nor imminently homeless, because of circumstances beyond her control, or for which she had no opportunity to plan. Initial Decision at 3-4; Exhibit R-1. I agree with the ALJ that Petitioner abandoned permanent affordable housing when she voluntarily left her mother's apartment without the prospect of substitute permanent housing or employment. Initial Decision at 3-4.

I find that the Agency appropriately denied EA benefits in this matter because Petitioner caused her own homelessness, without good cause. I further find that ALJ properly imposed a six-month period of EA ineligibility. See Initial Decision at 3. Petitioner may reapply for EA benefits on September 19, 2015, subject to applicable eligibility criteria.

By way of comment, I find Petitioner's Exceptions to be without merit. The ALJ in this matter reached the proper conclusion due to a lack of documentation from Petitioner's mother substantiating Petitioner's position that she was required to leave the mother's residence. Moreover, based upon the factual presentation as stated in the Exceptions, the testimony of both Petitioner and her sister are uncorroborated hearsay as to what Petitioner's mother allegedly said and did.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is AFFIRMED.

APR - 9 2015

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director