



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 18968-15 L.M.

AGENCY DKT. NO. C195770 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Petitioner's application for Emergency Assistance ("EA") benefits in the form of shelter placement. The Agency denied Petitioner's application because it contended that Petitioner's emergency was not beyond her control, and that she had a capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 8, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 8, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

In her Initial Decision, the ALJ noted that Petitioner and her two children moved to New Jersey in November 2014, to reside with a relative while Petitioner attended school and searched for employment, which she did. See Initial Decision at 3. However, the situation changed suddenly eight months later when Petitioner's relative reconciled with her husband, and informed Petitioner that she and her children must vacate the premises by September 1, 2015. *Ibid.*; see also Exhibit R-2. An eviction action was filed against Petitioner, and she was legally ejected from the premises by Order of Ejectment entered on October 30, 2015. *Ibid.*; see also Exhibit P-1. On September 1, 2015, Petitioner applied to the Agency for EA, but was denied because the Agency asserts that Petitioner is not homeless due to circumstances beyond her control, and that she had a capacity to plan for substitute housing. See Exhibit R-1. However, based on the facts herein, the ALJ concluded

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that Petitioner is homeless for reasons beyond her control, and that she lacked the realistic capacity to plan for her current housing emergency. See Initial Decision at 3-4. For those reasons, the ALJ concluded that the Agency's denial of EA to Petitioner was improper and should be reversed.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I concur with the Initial Decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

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

Signed Copy on File
at DFD, BARA

DEC 28 2015

Natasha Johnson
Director