



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 6012-15 S.M.

AGENCY DKT. NO. GA586606 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application on the basis Petitioner had the realistic capacity to plan for substitute housing, thereby, Petitioner caused her housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing.

On May 1, 2015, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On May 1, 2015, the ALJ issued her Initial Decision, which affirmed the Agency's grant of EA benefits in the form of shelter assistance. The record establishes Petitioner moved into her apartment in 2013 without the sources to pay the rent. See Exhibit R-1. Instead, Petitioner relied upon a friend to pay the rent, but when this friend stopped paying Petitioner's rent, Petitioner entered into a consent order to vacate the premises no later than April 30, 2015. See Initial Decision at 3. Even though Petitioner did not pay the rental arrears, she did not vacate the premises on April 30, 2015. See Exhibit R-2. Despite the foregoing, the Agency found Petitioner eligible for EA in the form of shelter assistance which she appealed and requested EA in the form of Temporary Rental Assistance ("TRA"). N.J.A.C. 10:90-6.3(a)1; see, Initial Decision at 3. Accordingly, the ALJ determined Petitioner had the realistic capacity to plan for alternate housing and in fact, the Agency found Petitioner eligible for shelter assistance. N.J.A.C. 10:90-6.1(c); see, Initial Decision at 4.

Page 2

By way of comment, Petitioner filed Exceptions to the Initial Decision on May 8, 2015, and May 11, 2015, however I find the arguments asserted in the Exceptions are without merit.

As the Director of the Division of Family Development, Department of Human Services, I reviewed the 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, and AFFIRM the Agency's determination.

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

MAY 12 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director