



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 4950-15 T.B.

AGENCY DKT. NO. C652533 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of housing assistance. The Agency denied Petitioner's EA benefits application because she had the reasonable capacity to plan and avoid the emergency situation yet failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 7, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On June 24, 2015, the ALJ issued his Initial Decision, affirming the Agency's determination. The record shows that Petitioner, who has a child and is six months pregnant, was placed in shelter housing by the Agency on September 16, 2014, but she voluntarily left the shelter housing on October 31, 2014, alleging that she did so because she did not know she had to renew her voucher for continued shelter. See Initial Decision at 2.

Petitioner then moved in with her aunt, who advised Petitioner she could stay for a "few months," as she would be moving out of New Jersey. *Ibid.*; see also Exhibit R-2. On January 28, 2015, Petitioner applied for EA benefits and was denied by the Agency on February 9, 2015. See Initial Decision at 2; see also Exhibit R-4. The ALJ noted that Petitioner is employable and failed to act to avoid an emergent situation. See Initial Decision at 2.

The ALJ also noted that Petitioner, who is still residing with her aunt, did not provide credible testimony with regard to her assertion that she left the shelter placement

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because she did not know that she had to renew the voucher. See *id.* at 4. As Petitioner had an opportunity to plan for housing while she was living with her aunt, and because Petitioner voluntarily abandoned her shelter placement, the ALJ concluded that Petitioner caused her own homelessness. *Ibid.* The ALJ thereby ordered that the Agency's determination to deny Petitioner EA benefits be affirmed. *Ibid.*

No exceptions were filed in the matter.

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 final conclusion in the matter and hereby ADOPT the Findings of Fact and Conclusion of Law in the matter.

By way of comment, as Petitioner caused her own homelessness, she is subject to a six month EA ineligibly period. Petitioner may reapply for EA benefits on August 10, 2015, provided she continues to need EA benefits and is otherwise eligible in accordance with N.J.A.C. 10:90-6.1.

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

JUL - 7 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director