



*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 15238-14 T.E.

AGENCY DKT. NO. S590429 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application due to its assertion that Petitioner had the realistic capacity to plan for her housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 23, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On March 9, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination. The ALJ noted that Petitioner was removed from her mother's public housing lease agreement on February 20, 2013, after having lived there since 2006, because she had reached the age of 21 and was neither working, nor enrolled in school. See Initial Decision at 2. The Agency asserted that Petitioner would have been aware of her impending twenty-first birthday, its effect on her housing status, that Petitioner left her mother's apartment voluntarily, and as such, Petitioner had the realistic capacity to plan. See *id.* at 3; see also Exceptions. The ALJ disagreed with the Agency's determination, finding that no evidence was presented by the Agency in support of its position, and therefore ordered that the Agency's decision be reversed. See Initial Decision at 4-6.

The Agency filed Exceptions to the Initial Decision on March 20, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the Initial Decision. I concur with the ALJ

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that there was no evidence presented to support the Agency's assertion that Petitioner knew that she had to move when she turned 21 years of age. As such, Petitioner had no realistic capacity to plan. Accordingly, I hereby ADOPT the Findings of Fact and Conclusions of Law contained in the Initial Decision.

Because Petitioner indicated on her application for EA that she is a victim of domestic violence, see EA application at 5, if it has not done so already, the Agency shall refer the Petitioner for a Family Violence Option risk assessment. N.J.A.C. 10:90-20.1 et seq.

As it appears Petitioner recently had an open case with the Division of Child Protection and Permanency ("DCP&P"), a copy of the Initial and Final Decisions shall be forwarded to DCP&P.

By way of comment, I have reviewed the Agency's Exceptions and find that the arguments made therein do not alter my decision in this matter.

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

**MAY 18 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director