



DEPARTMENT OF HUMAN SERVICES

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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 7470-15 T.H.

AGENCY DKT. NO. GA588361 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") recipient, appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits and imposed a six-month penalty because Petitioner moved from his residence without a viable plan for substitute housing, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 2, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held an emergent plenary hearing, took testimony and admitted documents.

On June 3, 2015, the ALJ issued his Emergent Initial Decision, reversing the Agency's determination. The ALJ found that Petitioner had good cause for moving from Essex County to Atlantic City because of his ongoing medical-care issues related to his having been the victim of multiple gun-shot wounds. See Initial Decision at 2. After the shooting incident and his release from the hospital, Petitioner left Essex County to stay with his sister in Bethlehem, Pennsylvania, but had to leave there because she accepted an employment related move to Florida. *ibid.* Thereafter, Petitioner moved to another sister's residence in Atlantic City, but he had to vacate that location too after she was evicted from it. *id.*

The ALJ noted that prior to Petitioner moving from Essex County and changing residences, he was the victim of a shooting where he sustained ten gun-shot wounds, and as such he was addressing serious medical issues related to those wounds, which required multiple hospitalizations that prevented him from working.

See Initial Decision at 2-3; see also Exhibit P-1. The ALJ also noted that Petitioner, with no prior history of public assistance, as a result of the multiple gun-shot wounds had a steel-rod inserted into his leg, as well as a colostomy. See Initial Decision at 2. Therefore, Petitioner needed family assistance because of his injuries and further, as reflected in the record, he continues to remain unemployable. See Initial Decisions at 2-3. It was only after Petitioner became homeless that he requested public assistance. See Initial Decision at 4.

The ALJ concluded that Petitioner moved to different locations due to circumstances beyond his control and therefore did not cause his own homelessness, as he did not have the ability to plan in advance because he could not continue to reside with either of his sisters and because of the continuing medical issues related to the serious injuries he sustained. See Initial Decision at 2-4. The ALJ ordered that the Agency's denial of petitioner's EA benefits be reversed. See Initial Decision at 4.

Accordingly, the agency is to provide Petitioner with EA benefits provided he continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

No Exceptions to this Initial Decision were filed.

By way of comment, Petitioner is reminded, and as is reflected in the ALJ's Order, when a WFNJ/GA recipient qualifies for EA benefits, the "county/municipal agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1); see also Initial Decision at 4.

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

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

JUN 09 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director