



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 547-16 A.S.

AGENCY DKT. NO. GA357833 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA application, and imposed a six-month EA ineligibility penalty upon him, because it found that Petitioner had a realistic capacity to plan and failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 14, 2016, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On the same day, the ALJ issued an Initial Decision affirming the Agency's determination. The ALJ noted that Petitioner is a Work First New Jersey/General Assistance ("WFNJ/GA") recipient who resided with his family friend for two years, then with his niece on a temporary basis. See Initial Decision at 2. Petitioner now seeks EA because his family friend vacated her apartment, and his niece can no longer house Petitioner because her unit is under Section 8 housing. *Ibid*; see also Exhibit R-1 and R-2. The ALJ found that Petitioner had the realistic capacity to plan for his housing emergency while living with his family friend for two years, and therefore, the Agency was correct to deny Petitioner EA and impose a six-month EA ineligibility penalty. See initial Decision at 3; see also N.J.A.C. 10:90-6.1(c).

No Exceptions to the Initial Decision were filed.

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 decision 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 action in this matter is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

JAN 25 2016

Natasha Johnson
Director