



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director
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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 20813-15 S.R.

AGENCY DKT. NO. C222781 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits because he relocated to Union County without a plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 30, 2015, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), conducted a plenary hearing, took testimony, and admitted documents. On December 31, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

Here, the family unit consists of Petitioner, his child's mother, M.O., and their young son. See Initial Decision at 2. On July 2, 2015, the family was evicted from their apartment in Somerset County, and thereafter stayed at inexpensive hotels located in Union County. See Initial Decision at 3. M.O. suffers from several serious medical conditions which cause her to become ill very easily. See Initial Decision at 3-4; see also Exhibit P-1. On December 1, 2015, Petitioner applied to the Agency in Union County for EA, and provided a doctor's letter stating that M.O. cannot reside in a "communal" environment, such as a shelter, because of the nature and severity of her medical conditions. See Initial Decision at 4; see also Exhibit P-1. The Agency denied Petitioner's EA application effective December 15, 2015, because Petitioner relocated to Union County without a plan. See Exhibit R-1.

The ALJ found that, based on the facts of this case, the Agency improperly denied Petitioner's EA application because Petitioner did not relocate to Union County without a plan. See Initial Decision at 6. Therefore, the ALJ concluded that the

Agency's denial of EA to Petitioner should be reversed, and that the Agency should immediately find suitable placement for Petitioner's family somewhere other than in a shelter. Ibid.

Exceptions to the Initial Decision were filed by the Agency on January 8, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the Initial Decision and, having made an independent evaluation of the record, I concur with the ALJ's Initial Decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

By way of comment, I have reviewed the Exceptions filed by the Agency, and find that they do not alter my decision in this matter.

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

Signed Copy on File

at DFD, BARA

JAN 20 2016

Natasha Johnson
Director