



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 13302-14 K.M.

AGENCY DKT. NO. V868935 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of a security deposit. The Agency denied Petitioner's application for EA on the basis that Petitioner had caused her own homelessness and had failed to plan for her housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 22, 2014, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On October 22, 2014, the ALJ issued an Initial Decision reversing the Agency determination. Despite evidence presented by the Agency that Petitioner was being evicted by her landlord for allowing her adult son to reside in her residence, for over a year, without the landlord's permission, the ALJ directed that Petitioner be granted EA in the form of a security deposit for a new apartment or room. See Initial Decision at 4.

Exceptions to the Initial Decision were filed by Agency on October 22, 2014. The Agency noted that Petitioner had entered into a Consent to Enter Judgment for Possession in late September, thereby agreeing to vacate her apartment by November 1, 2014, and forfeiting her security deposit, which had been paid by the Agency. The Agency asserts, that as the forfeited security deposit covered October's rent, Petitioner had funds herself to cover the security deposit she was seeking in the present matter.

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As the Director of the Division of Family Development, Department of Human Services, I have considered the Initial Decision and following an independent review of the record, I disagree with the ALJ's decision and hereby REJECT the Initial Decision and AFFIRM the Agency's determination to deny Petitioner's EA request. It is clear from the record in this matter that Petitioner allowed her adult son to live with her as an unauthorized tenant for an extended period of time, in violation of the terms of her lease agreement with the landlord, thereby causing her homelessness.

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

OCT 31 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director