



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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Assistant Commissioner

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 **09242-19 J.C.**

AGENCY DKT. NO. **C388146007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he is not homeless, and that he had the capacity to plan avoid homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 28, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 12, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that the testimony of both Petitioner and his mother credibly established that, although he is not yet homeless, he is imminently homeless because he is unable to continue to reside with his mother. See Initial Decision at 2-4; see also Exhibits R-3, R-4, R-6. The ALJ also found that medical, financial, and family circumstances such as Petitioner's could inhibit one's capacity to plan for substitute housing. See Initial Decision at 2, 4; see also Exhibit R-6. Moreover, the ALJ found that Petitioner had made extensive reasonable efforts to find permanent housing, but had been unable to secure same. See Initial Decision at 4-5. Based on the foregoing, the ALJ found that Petitioner is imminently homeless, and as such, that he is eligible for EA benefits. *Id.* at 5; see also N.J.A.C. 10:90-6.1(c). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.

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.

By way of comment, Petitioner is advised that EA benefits shall be provided to him in a form to be determined by the Agency, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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



Officially approved final version.

Natasha Johnson
Assistant Commissioner

OCT 11 2019

