



State of New Jersey

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Director

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 05856-19 M.H.

AGENCY DKT. NO. C427351016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she abandoned affordable housing, voluntarily quit employment, and moved to New Jersey ("NJ") without a plan for self-sufficiency or housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 6, 2019, but was adjourned because the Agency was unable to notify Petitioner of the hearing date, and consequently, Petitioner did not appear. On May 23, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 24, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner had made plans for self-sufficiency and housing, but due to various circumstances beyond her control, her plans fell short. See Initial Decision at 2-5; see also Exhibits R-2, R-3, and R-6. Particularly, the record reflects that Petitioner had to move out of an apartment she shared with her mother because the landlord wanted to move into that apartment, Petitioner could not continue to live with her mother because her mother had moved into "seniors only" housing, and Petitioner was unable to secure affordable housing in NJ due to her poor credit score. See Initial Decision at 2. Petitioner then moved to Florida to reside with her father, where she anticipated securing employment and more affordable housing. *Id.* at 5; see also Exhibit R-4. However, shortly after moving to Florida, Petitioner's father was placed in a nursing home after suffering a stroke, and Petitioner moved back to NJ when her step-mother asked her to leave the father's home. See Initial Decision at 3, 5. The ALJ also took into consideration the fact that Petitioner has an employment history, that she had to leave one job because she lacked transportation, and had left another job to move to Florida. *Ibid.*; see also Exhibits R-3, R-6. The record also indicates that Petitioner had received a tax refund of \$6,893.05, which the Agency contended should have been used for housing, but was not. See Initial Decision at 4; see also Exhibit R-7. The ALJ acknowledged that Petitioner should have made better use of her tax refund to avoid homelessness, but nevertheless, the totality of her desperate circumstances and attempts at self-sufficiency could not be ignored. See Initial Decision at 2-5; see also Exhibits P-2, P-4, P-5, R-3, R-4, and R-6. Based on the testimony and evidence presented, the ALJ found that, although Petitioner's plans were poorly executed, she did not move to NJ without a plan, and she did



not cause her own homelessness, but rather, her homelessness was due to circumstances beyond her control. See Initial Decision at 6. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. Ibid.; see also Exhibit R- 1, and N.J.A.C. 10:90-6.1(c). 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.

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

Officially approved final version.

MAY 31 2019

Natasha Johnson
Director

