



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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NATASHA JOHNSON
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 06423-19 X.C.

AGENCY DKT. NO. C417415016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she moved to New Jersey ("NJ") without a plan for permanent housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 14, 2019, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 15, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner testified that she moved to NJ from Puerto Rico because her doctor told her that there would be better medical care for her son in the United States. See Initial Decision at 2; see also Exhibit R-2. In preparation for her move, on April 22, 2019, Petitioner informed her caseworker in Puerto Rico that she no longer needed cash benefits, Supplemental Nutrition Assistance Program benefits, or Medicaid, and that she had terminated her HUD housing because she was moving to NJ. See Initial Decision at 2. Of note, Petitioner paid zero rent for her HUD housing. Ibid. Further, Petitioner testified that she moved to NJ with a plan to live with a family friend, but that once in NJ, he asked her to leave within two days. See Initial Decision at 3; see also Exhibit R-3. On May 6, 2019, Petitioner applied for EA benefits, indicating that she was homeless because her family friend had asked her to leave. See Initial Decision at 3; see also "EA Application." The Agency denied Petitioner's application for EA benefits, finding that Petitioner had abandoned permanent affordable housing in Puerto Rico. See Exhibit R-1. Based on the testimony and evidence presented, the ALJ found that Petitioner had moved to NJ without a reasonable plan for housing, and without a means of support. See Initial Decision at 5-6. The ALJ further found, and the record substantiates, that Petitioner's son was being afforded medical and support services in Puerto Rico, which Petitioner chose not to pursue. Id. at 3; see also Exhibits P-1, P-2. Accordingly, the ALJ concluded that Petitioner had caused her own homelessness and that the Agency's denial of EA benefits to Petitioner, as well as the imposition of the six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(vii). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on May 17, 2019.

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's six-month EA ineligibility penalty shall run from May 7, 2019, the date of the Agency's denial, through November 6, 2019. See Exhibit R-1; see also N.J.A.C. 10:90-6.1(c)(3).



By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Also by way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

Natasha Johnson

Director

MAY 22 2019

