



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*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 08146-20 C.P.

AGENCY DKT. NO. C141084015 (OCEAN 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 her emergency was not due to circumstances beyond her control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 10, 2020, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 11, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, her husband, and children had been living in the apartment of her husband's step-father from August 2019, through March 2020, without the permission of the step-father's landlord. See Initial Decision at 5. Petitioner admitted that her family had not been permitted to reside with the step-father permanently, and in March 2020, was asked to vacate the apartment because the step-father was fearful of being evicted from the apartment if the landlord found out about Petitioner's family living there. *Id.* at 3, 5; see also Exhibit R-7. Of note, Petitioner did not pay any rent while living with the step-father. See Initial Decision at 3; see also Exhibits R-6, R-7. Thereafter, Petitioner was provided housing by the Agency on an immediate need basis through August 2020, due to the COVID-19 pandemic, and applied for EA benefits once that immediate need had ended. See Initial Decision at 4; see also Exhibit R-2. During the foregoing 13 months, the ALJ found that Petitioner was employable, yet without good cause, had failed to seek employment since losing her nursing job in January 2019, and that she had the funds to secure more permanent housing, as her husband had been employed until February 2020. See Initial Decision at 3-6. The ALJ found that, despite Petitioner's capacity to plan for, and to secure, permanent housing during the aforementioned time frame, Petitioner had failed to take reasonable steps to resolve her emergent situation. *Id.* at 5-6. Based on the foregoing, the ALJ concluded that Petitioner's emergency was not due to circumstances beyond her control, and that the Agency's denial EA benefits to Petitioner was proper and must stand. *Id.* at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1). I agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, 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 AFFIRMED.

Officially approved final version. SEP 24 2020

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Natasha Johnson  
Assistant Commissioner

