



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **03066-23 K.M.**

AGENCY DKT. NO. **C085554012 (MIDDLESEX COUNTY BD. 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 was not currently homeless and that she had the capacity to plan to avoid her own homelessness, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 14, 2023, the Honorable William T. Cooper III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On April 18, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, based on the credible evidence and the application of the relevant law, the ALJ concluded that Petitioner is not currently homeless, and that she had the capacity to plan to avoid her homelessness, but failed to plan for housing prior to her move to New Jersey ("NJ"). See Initial Decision at 2-11; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). Specifically, the ALJ found that Petitioner had affordable permanent housing in Georgia, yet upon unsubstantiated advice from her guardianship attorney, Petitioner testified that she moved to NJ in an attempt to better her chances at her guardianship hearing for one of her sons, which was taking place in Georgia. See Initial Decision at 4, 8-11. Petitioner's move to NJ was also against the Agency's warning, that if she moved to NJ without a plan for housing, she would not be eligible for EA benefits. *Id.* at 4-5, 8. The record also reflects that on April 15, 2023, Petitioner was leaving for Georgia to attend her guardianship hearing, that she had housing in Georgia, and that she had not made any specific plans to return to NJ. *Id.* at 7-9. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at Decision at 10-11; see also N.J.A.C. 10:90-6.1(c). 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. April 27, 2023

Natasha Johnson
Assistant Commissioner

