



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

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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 921-16 T.R.

AGENCY DKT. NO. GA594650 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA's application because it found she had a realistic capacity to plan for her emergency and failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 20, 2016, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On January 21, 2016, the ALJ issued an Initial Decision affirming the Agency's determination. The ALJ noted Petitioner is currently a Work First New Jersey/General Assistance ("WFNJ/GA") recipient who was previously divorced from her husband in 2012, but continued to live in the family home. See Initial Decision at 2. Subsequently, in October of 2014, the home was subject to foreclosure proceedings, whereupon a Writ of Possession was entered on September 1, 2015. Ibid; see also Exhibit R-2 at 1. Petitioner was ultimately evicted in November 2015, and began receiving WFNJ/GA benefits in January 2016, after completing the 28-day work protocol. See Initial Decision at 2. Petitioner argued she is being discriminated against due to her status as a single woman who does not look homeless. Ibid; see also Exhibit P-1 at 3.

The ALJ found that Petitioner did not attempt to make plans for alternate housing during the foreclosure proceedings and, ultimately, only acted when she was physically homeless. See Initial Decision at 4.

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Therefore, the ALJ concluded Petitioner had a realistic capacity to plan for her homelessness, which was not beyond her control. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c). I agree.

Exceptions to the Initial Decision were filed on January 28, 2016.

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 decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, I have reviewed the Exceptions submitted by Petitioner and they do not change my decision in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action in this matter is AFFIRMED.

*Signed Copy on File*  
at DFD, BARA

**JAN 29 2016**

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Natasha Johnson  
Director