



State of New Jersey

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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 7169-17 K.H.

AGENCY DKT. NO. C059490015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA benefits, contending that she was ineligible because she lost her employment due to her own actions, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 26, 2017, the Honorable Kathleen Calemno, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 30, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination. N.J.A.C. 10:90-6.1(c)(3) provides, in pertinent part, that an applicant is not eligible for EA benefits when "an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult household member without good cause."

Here, the record indicates that Petitioner was removed from her living quarters on May 11, 2017, after being ejected by Writ of Possession in Superior Court of New Jersey. See Initial Decision at 3; see also Exhibit P-8. Petitioner's last date of employment was December 13, 2016, after she was terminated by her employer for failing to follow the rules and policies of the job. See Initial Decision at 2-3. The record showed that during her employment, Petitioner had difficulty paying rent and utilities. See Initial Decision at 3; Exhibits P-3, P-4, P-5. Therefore, the ALJ found that, while she left her job voluntarily due to her actions, Petitioner's salary would not have prevented her eviction. See Initial Decision at 3-4. As such, her homelessness was not a direct result of her voluntarily leaving her job. See Initial Decision at 4.

Based on the foregoing, I concur with the ALJ's conclusion that the Agency improperly denied Petitioner EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3). Additionally, Petitioner is advised that EA benefits shall be provided to her in a form to be determined by the Agency, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).



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

Officially approved final version.

JUN 6 2024

Natasha Johnson

Director

