



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 09315-18 A.K.

AGENCY DKT. NO. C062318008 (GLOUCESTER COUNTY DIV. 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 Petitioner caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 6, 2018, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 9, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner, an eighteen-year-old, is pregnant and due to give birth at the end of July, 2018. See Initial Decision at 2-3.

Petitioner and her mother, with whom she resided, argued about the pregnancy, and when Petitioner turned eighteen, her mother told her she could no longer reside at the home. See Initial Decision at 3. Petitioner made other living arrangements, and applied for Work First New Jersey/General Assistance and EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 8-11. On June 28, 2018, the Agency denied EA benefits to Petitioner and imposed a six-month EA benefits ineligibility penalty, contending that Petitioner's behavior in arguing with her mother resulted in her eviction from the home, and that she, thereby, caused her own homelessness. See Initial Decision at 2; see also Exhibit R-1 at 2.

Finding Petitioner's testimony credible, the ALJ reversed the Agency's determination, concluding that Petitioner did not cause her own homelessness based on an argument that she had with her mother, as she thought that the situation with her mother would resolve itself, and that she would be able to continue to reside in the household. See Initial Decision at 6-7; see also N.J.A.C. 10:90-6.1(c)(3). However, Petitioner further testified that her mother had later advised her that once Petitioner's baby arrived, it would be in violation of her mother's rental agreement to allow them to reside in her household. See Initial Decision at 3; see also Exhibit P-1. Further, the ALJ found that Petitioner did not have the capacity to plan to avoid her emergency situations, as she was only advised by her mother approximately four to six days after she turned 18 that she could no longer reside in her household, and therefore, Petitioner had insufficient time to secure housing. See Initial Decision 7. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner and the imposition of a six-month EA ineligibility penalty were improper and must be reversed. See Initial Decision at 7-8; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Exceptions to the Initial Decision were filed by the Agency on July 10, 2018.

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 is advised that the Agency shall determine the appropriate form of EA benefits needed to address her emergency situation, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

By way of further comment, I have reviewed the Exceptions filed by the Agency and find that they do not alter my decision in this matter.

Also by way of comment, as the record reflects that Petitioner may have an open case with the Division of Child Protection and Permanency ("DCP&P"), a copy of the Initial and Final Decisions shall be forwarded to DCP&P to ensure the health, safety, and welfare of Petitioner's child.

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

Officially approved final version.

JUL 19 2018

Natasha Johnson

Director

