



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 14544-18 C.P.

AGENCY DKT. NO. C015310010 (HUNTERDON 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 he had the capacity to plan to avoid his emergent situation, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An emergent hearing was initially scheduled for October 11, 2018, but was adjourned. On October 16, 2018, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 17, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, applied for EA benefits on September 19, 2018. See Initial Decision at 3; see also Exhibit R-1 at 5-10. By notice dated September 27, 2018, the Agency denied Petitioner EA benefits, contending that he failed to plan to avoid his emergency. See Initial Decision at 3; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.1(c)(1). The ALJ found that, through no fault of his own, Petitioner was homeless prior to moving to New Jersey ("NJ"); that he was promised a place to stay in NJ by a relative, which was not honored when he arrived; that he did not have sufficient time to secure housing prior to the loss of his permanent housing; that he is currently homeless; and that he intends to stay in NJ. See Initial Decision at 4-7; see also Exhibit P-1 at 4-5, 7. The record also reflects that Petitioner is disabled, as evidenced by a 12-month MED-1 form, and that he has not worked in 12 years. See Initial Decision at 4; see also Exhibit P-1 at 1. Based on the foregoing, the ALJ concluded that Petitioner did not have the capacity to plan to avoid his homelessness, and as such, that he had not caused his own homelessness. See Initial Decision at 8, 11; see also N.J.A.C. 10:90-6.1(c)(1), (3). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 11; see also Exhibit R-1 at 1-4. I agree. Further, the ALJ concluded that, because Petitioner has not caused his own homelessness, he is also not subject to a six-month EA ineligibility penalty. See Initial Decision at 10-11; see also N.J.A.C. 10:90-6.1(c)(3). I also agree.

No Exceptions to the Initial Decision were received.



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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, the Agency is advised that there is no regulatory authority which requires a WFNJ or EA benefits applicant to reside in NJ for any specific amount of time in order to be eligible for such benefits. The only residency requirement is the intent to continue to reside/remain in NJ. See Initial Decision at 3; see also Exhibit P-1 at 4-5, and N.J.A.C. 10:90-2.11(a), (b).

By way of further comment, the record reflects that Petitioner's minor child is now residing with him, and he has a WFNJ/Temporary Assistance for Needy Families application pending. See Initial Decision at 3. Further, as the record reflects that Petitioner may have an open Division of Child Protection and Permanency ("DCPP") case, a copy of the Initial and Final Decisions shall be forwarded to DCPP. Id. at 5.

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

Officially approved final version.

OCT 22 2018

Natasha Johnson
Director

