



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 05664-18 S.M.

AGENCY DKT. NO. C743670007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of temporary rental assistance ("TRA"). The Agency denied Petitioner EA benefits, contending that she had previously abandoned shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 24, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 25, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that on January 19, 2018, Petitioner applied for, and received, EA benefits in the form of shelter placement. See Initial Decision at 2; see also Exhibit R-1. Petitioner, who was pregnant at the time and had no history of drug abuse, was placed in a shelter for females with drug addiction issues. See Initial Decision at 2. The case worker explained to Petitioner that it was difficult to place a single female at shelters, as most available shelter placements were for men or women with children. See Initial Decision at 3. The case worker further explained that the all-female rehab facility was the best the Agency could do at that time. *Ibid.* The day after moving in to the drug rehab facility, Petitioner left to attend a prescheduled doctor's visit. *Ibid.* During Petitioner's doctor appointment, the facility manager contacted Petitioner and admonished her for leaving the shelter without permission. See Initial Decision at 2. After explaining to the facility manager that she had a doctor's appointment, and that she did not realize she needed the facility's permission to leave, the facility manager threatened her with a "black out" for 30 days. *Id.* at 2-3. Petitioner testified that a "black out" is used to monitor a resident with a drug habit for a period of time in which the resident is not allowed to leave the facility. *Id.* at 2. Shortly thereafter, Petitioner left the facility and moved in temporarily with a relative. *Id.* at 3. The relative advised Petitioner that she must vacate the apartment once her baby is born. *Ibid.*; see also Exhibit P-1. On February 26, 2018, Petitioner applied for EA benefits and was denied by the Agency due to her abandonment of the shelter placement, thereby causing her own homelessness. *Id.* at 2. The ALJ found that Petitioner's current housing situation is unstable and that she is facing imminent homelessness. *Id.* at 3; see also N.J.A.C. 10:90-6.1(c). Further, the ALJ found that Petitioner had good cause for abandoning her shelter placement and therefore, did not cause her own homelessness. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 4. I agree.

No Exceptions to the Initial Decision were received.

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.



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

Officially approved final version.

MAY 02 2016

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Natasha Johnson  
Director

