



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 11732-18 S.Y.

AGENCY DKT. NO. C238596020 (UNION COUNTY DIVISION 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 terminated Petitioner's EA benefits, and imposed the six-month EA benefits ineligibility penalty, contending that she caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 16, 2018, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same day, 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 hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan" to avoid their emergent situation.

Here, the record reflects that Petitioner lived in an independent housing program for single individuals from June 2015, through February 17, 2018, when she was evicted because she was pregnant and the facility did not have an available apartment to accommodate her and a newborn. See Initial Decision at 2; see also Exhibits R-1 at 7, P-1. From March 2018, until July 12, 2018, Petitioner lived with a family member. See Exhibit R-1 at 9. In May of 2018, during her stay with her family member, Petitioner's child was born. See Exhibit R-1 at 11. On July 12, 2018, Petitioner applied for EA benefits, as she could no longer reside with her family member, and the next day, was placed in an immediate need shelter with her child. See Initial Decision at 2-3; see also Exhibit R-1 at 8, 10-16. Nonetheless, on August 10, 2018, the Agency denied Petitioner EA benefits, and imposed a six-month EA benefits ineligibility penalty, finding that Petitioner had caused her own homelessness by becoming pregnant while in her previous



housing program for single individuals. See Initial Decision at 2; see also Exhibit R-1 at 1-6, and N.J.A.C. 10:90-6.1(c)(3). However, the ALJ found that Petitioner and her child continue to have an imminent risk of homelessness, that Petitioner had complied with all requirements to receive EA benefits, and that the Agency's decision to deny her EA benefits due to being displaced from her previous housing because of pregnancy was against public policy and the laws of New Jersey. See Initial Decision at 3. As such, the ALJ reversed the Agency's determination, as well as the six-month EA benefits ineligibility penalty. See Initial Decision at 4; see also Exhibit R-1 at 2-6, and N.J.A.C. 10:90-6.1(c). I agree.

The ALJ additionally ordered that Petitioner be provided with EA benefits through June 2019. See Initial Decision at 4. I respectfully disagree with this directive, as receipt of prospective EA benefits remains contingent upon Petitioner's continued eligibility for same. See N.J.A.C. 10:90-6.1, et seq. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as outlined above.

Officially approved final version.

AUG 24 2019

Natasha Johnson
Director

