



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 17885-18 T.C.

AGENCY DKT. NO. C114785008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that Petitioner had the capacity to plan for her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 21, 2018, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 24, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, Petitioner testified that she and her partner had been living with her partner's mother, upon the mother's suggestion, and had been paying toward rent and utilities. See Initial Decision at 4. Petitioner's partner's mother had also added her son to the lease in December of 2017, and informed the housing authority accordingly. See Initial Decision at 3-4; see also Exhibit R-1 at 15-19. Petitioner, her partner, and his mother often disagreed and argued, and on December 1, 2018, the mother asked them to vacate, removing them from the lease and changing the locks. See Initial Decision at 4-5; see also Exhibit R-1 at 14-15. On December 4, 2018, Petitioner applied for EA benefits, which were denied by the Agency that same day. See Initial Decision at 2; see also Exhibit R-1 at 3, 10-13. The Agency maintained that Petitioner had caused her own homelessness, as she knew that her living situation with her partner's mother would be temporary, that Petitioner and her partner's behavior toward the mother was purportedly disrespectful, and that the police had to be called on one occasion. See Initial Decision at 2; see also Exhibit R-1 at 3. However, the ALJ found Petitioner and her partner's testimony credible, and further found that, based on the facts presented, Petitioner did not have a realistic capacity to plan, and as such, did not cause her own homelessness. See Initial Decision at 6-8; see also N.J.A.C. 10:90-6.1(c)(3). Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 8; see also Exhibit R-1 at 3. 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.

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).

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



Officially approved final version.

DEC 26 2018

Natasha Johnson

Director

