



## 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 00452-18 V.M.

AGENCY DKT. NO. S546465012 (MIDDLESEX 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 his homelessness was not due to circumstances beyond his control, for which he had no opportunity to plan, and that he failed to secure employment or permanent housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 16, 2018, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 17, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner knew well in advance that his father wanted him to move out of the family home, and indeed, filed for eviction of Petitioner on or about October 3, 2017, with an Order for Petitioner to vacate the premises on January 9, 2018. See Initial Decision at 2-3, 5; see also Exhibit R-5. The record reflects that Petitioner presented no proof or testimony that he had looked for employment or housing during that three month eviction process. See Initial Decision at 6. The ALJ found that Petitioner had the realistic capacity to plan for substitute housing, but that the preponderance of the credible evidence did not support a finding the Petitioner's behavior directly caused the eviction, such that a six-month period of ineligibility for EA benefits would be warranted. See Initial Decision at 4-6; see also Exhibit R-5, and N.J.A.C. 10:90-6.1(c) (1), (3). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper, that Petitioner is not subject to a six-month EA ineligibility penalty, and that Petitioner may reapply for EA benefits upon approval of his Work First New Jersey/General Assistance ("WFNJ/GA") benefits application. See Initial Decision at 3, 6-7; see also Exhibit R-7, and N.J.A.C. 10:90-1.2(f)(8), -6.1(c)(1), (3), -6.2(a). 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, upon approval of Petitioner's WFNJ/GA application, the Agency is directed to expedite Petitioner's EA application should he reapply for said benefits.



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

Officially approved final version.

JAN 25 2018

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Natasha Johnson

Director

