



## 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 18492-17 Y.W.

AGENCY DKT. NO. C160701009 (HUDSON COUNTY DEPT OF FAM 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 denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she moved to New Jersey ("NJ") without a plan for self-sufficiency, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 26, 2017, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 26, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner had been homeless in Hawaii and California since 2014, and was returned to NJ via bus, courtesy of a San Francisco homeless agency, in August of 2017. See Initial Decision at 2-3; see also Exhibits P-1, R-3, R-4. Upon her return to NJ, Petitioner and her newborn child could not move in with Petitioner's mother, because her mother could not take in additional tenants under her lease agreement. See Initial Decision at 2; see also Exhibits R-5, R-6. The Agency denied EA benefits to Petitioner, claiming that she had a realistic capacity to plan to avoid her emergent situation, and that she had moved to New Jersey without a plan for self-sufficiency. See Initial Decision at 2; see also Exhibits R-1, R-7 and N.J.A.C. 10:90-6.1(c). Further, finding that Petitioner caused her own homelessness, the Agency imposed upon her a six-month EA ineligibility penalty. See Initial Decision at 2; see also Exhibit R-1 and N.J.A.C. 10:90-6.1(c)(3). The ALJ reversed the Agency's denial of EA benefits to Petitioner, as well as the six-month EA ineligibility penalty, finding that Petitioner provided credible evidence, which the Agency had failed to consider, concerning the circumstances leading to her emergent situation, and that Petitioner did not have a realistic capacity to engage in advanced planning. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(1) , -6.1(c)(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 reviewed the record in this matter and the Initial Decision, and, having made an independent evaluation of the record, I concur with the ALJ's Initial Decision and hereby adopt the Findings of Fact and Conclusion of Law.



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

Officially approved final version.

JAN 02 2018

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Natasha Johnson  
Director

