



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **10856-22 J.G.**

AGENCY DKT. NO. **C273147020 (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 denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he moved to New Jersey ("NJ") without a plan, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 7, 2022, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On December 8, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on Petitioner's credible testimony, as well as the totality of his circumstances, particularly regarding his move to NJ from another state due to domestic violence, the ALJ found that Petitioner had good cause to move to NJ, had moved to NJ with the plan to live permanently with his cousin and to look for employment, and that it was due to circumstances for which had no capacity to plan, that he was no longer able to continue to reside with his cousin. See Initial Decision at 2-5, 7, 13-15; see also Exhibits P-3, R-A at 8-11. Based on the evidence and testimony presented, as well as the relevant regulatory authority and Division of Family Development ("DFD") policy, the ALJ concluded that Petitioner is eligible for EA benefits, and that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty were improper and must be reversed. See Initial Decision at 8-15; see also Exhibit R-A at 1-5, and N.J.A.C. 10:90-6.1(c). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, DFD, 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.

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



Officially approved final version.

December 15, 2022

Natasha Johnson

Assistant Commissioner

