



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 **00567-22 L.O.**

AGENCY DKT. NO. **C221514009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, the denial 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 had abandoned affordable housing in Florida ("FL"), and moved to New Jersey ("NJ") without a plan for permanent housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 27, 2022, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on January 27, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had abandoned affordable housing in FL where she had been approved for rental assistance, and had moved to NJ without a plan for permanent housing. See Initial Decision at 2-3; see also Exhibits R-1, R-2, R-7. Further, the ALJ found that Petitioner's homelessness was not due to circumstances beyond her control and that she had the capacity to plan for affordable housing in FL, but instead chose to move to NJ with a plan to temporarily reside with relatives, which plan subsequently fell through. See Initial Decision at 2-4; see also Exhibits R-4, R-5. Moreover, the record reflects that Petitioner admitted that she had moved to NJ without a plan for permanent housing. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and its imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 3-5; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c)(3)(vii). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, the transmittal in this matter indicates that Petitioner also appealed a denial of WFNJ/TANF benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a denial of WFNJ/TANF benefits, she may request another fair hearing on that issue alone.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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



Officially approved final version.

February 3, 2022

Natasha Johnson

Assistant Commissioner

