



## 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 **01741-22 T.B.**

AGENCY DKT. NO. **C103619015 (OCEAN COUNTY BOARD 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 emergent situation was not beyond his control, and that he had the capacity to plan to avoid his emergency, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 10, 2022, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 11, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner had applied for EA benefits on January 7, 2022. See Initial Decision at 2; see also Exhibit R-2. The record further reflects that Petitioner had been removed from his mother's residence in June 2021, due to the issuance of a restraining order being placed against him by his mother. See Initial Decision at 2; see also Exhibit R-3. Thereafter, Petitioner had moved in with a friend and had lived there until January 1, 2022, had paid rent to the friend, and had his mail and bills sent to that address. See Initial Decision at 2, 3, 4. Petitioner was notified by the friend, in late November or December, 2021 that the friend needed to sell the home where they were residing, due to personal circumstances, and that Petitioner would therefore need to vacate the residence by January 1, 2022. Ibid. Based upon the facts presented, and finding Petitioner's testimony credible, the ALJ concluded that Petitioner had not caused his own homelessness. Ibid.; see also N.J.A.C. 10:90-6.1(c) (3). The ALJ noted that Petitioner had not applied for EA upon leaving his mother's home in June, 2021, and found that the facts presented in the case supported the conclusion that Petitioner's move to his friend's residence was not a temporary housing alternative, and the Agency's assertions to the contrary were purely speculative. See Initial Decision at 6. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 7; see also N.J.A.C. 10:90-6.1(c). I agree.

Exceptions to the Initial Decision were received from the Agency on March 15, 2022.



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, I have reviewed the Exceptions submitted by the Agency and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

March 18, 2022

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Natasha Johnson

Assistant Commissioner

