



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 16027-15 C.R.

AGENCY DKT. NO. C153031 (MERCER COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Petitioner's Emergency Assistance ("EA") in the form of temporary shelter, as well as the denial of her application for EA/Temporary Rental Assistance ("EA/TRA"). The Agency terminated Petitioner's temporary shelter, and denied her EA/TRA, because she had the capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 20, 2015, the Honorable Robert Bingham II, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 21, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

In his Initial Decision, the ALJ found that Petitioner abandoned permanent affordable housing in Florida, where she had lived with her father rent free from April 2014, through April 2015, and moved to New Jersey to stay with various friends and relatives for short periods of time. See Initial Decision at 2. Although the Agency granted Petitioner temporary hotel placement from August 7, 2015, through August 31, 2015, Petitioner's application for EA/TRA was denied because she had a realistic capacity to plan for substitute housing in New Jersey, but failed to do so. See Initial Decision at 2-3. The ALJ also found insufficient evidence in the record that Petitioner is imminently homeless and without any option for shelter whatsoever. See Initial Decision at 4. Therefore, the ALJ concluded that Petitioner is not imminently homeless due to circumstances beyond her control, and that she had a realistic capacity to plan for substitute housing. On that basis, the ALJ ordered that the Agency's denial of EA/TRA to Petitioner should be affirmed.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I concur with the Initial Decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

OCT 28 2015

Natasha Johnson
Director