



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 14326-15 E.C.

AGENCY DKT. NO. C397402 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she caused her own emergency by moving from North Carolina ("NC") to New Jersey ("NJ") without a plan for self-sufficiency, including her family's housing needs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 28, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 16, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The record shows that prior to moving to NJ, Petitioner was employed in NC, making \$1,080 per month, and living in an apartment, paying \$450 per month, including utilities. See Initial Decision at 2, 3. Additionally, Petitioner was receiving \$400 in Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits while living in NC. *Id.* at 3. Petitioner was not receiving cash or rental assistance while in NC, but provided no explanation as to why she was not receiving said benefits. *Ibid.*

The record further indicates that Petitioner voluntarily quit her job in NC, claiming she had no childcare, and she was unable to collect Unemployment Insurance Benefits. *Ibid.* Also, after the death of Petitioner's grandfather, whom she had originally moved down to NC to assist, Petitioner decided to voluntarily leave her affordable apartment in NC and move to NJ to live with her mother, in her mother's

Section 8 housing, where she was not a party to the lease. *Id.* at 3, 4. Subsequently, a few short months later, Petitioner was advised that she had to leave her mother's apartment otherwise her mother's ability to remain in her Section 8 housing would be jeopardized. *Id.* at 3; see also Exhibit P-4. Moreover, Petitioner admitted that she moved from NC to NJ without a promise of employment, and with no plan as to where she would live, other than moving into her mother's Section 8 apartment. See Initial Decision at 5.

Based on the foregoing, The ALJ found Petitioner created her own emergency when she resigned from her job, left her affordable housing in NC, and moved to NJ without a promise of employment. *Ibid.* Accordingly, the ALJ found that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, and affirmed the Agency's denial of EA benefits. *Id.* at 6. Additionally, the ALJ found that the Agency's denial of EA benefits did not violate Petitioner's constitutional right to travel. *Id.* at 5-6.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on October 19, 2015.

As the Director of the 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 in this matter.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Signed Copy on File
at DFD, BARA

OCT 27 2015

Natasha Johnson
Director