



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 12363-15 J.B.

AGENCY DKT. NO. GA595332 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he had the capacity to plan in advance to avoid homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 20, 2015, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence.

On August 20, 2015, the ALJ issued his Initial Decision, reversing the Agency's determination. The record shows that Petitioner shared an apartment with his mother, with the rent being paid by his mother's Supplemental Security Income benefits. See Initial Decision at 2. Petitioner's mother was terminally ill with cancer, and it appears that he was her sole caretaker. Ibid. As a result of being his mother's sole caretaker, he lost his job eight to nine months ago. Ibid. The record further indicates that his mother has recently passed away, and Petitioner has since resumed looking for employment. Ibid. Additionally, the Agency confirmed that he is compliant with his Work First New Jersey required work activities. Ibid. However, at the time of the hearing, Petitioner did not have any employment offers. Ibid.

The ALJ found that Petitioner did not have the capacity to plan in advance in order to avoid homelessness because he could not have predicted when his mother would pass away, thereby ending the source of rental income. Accordingly, the ALJ

reversed the Agency's denial of EA benefits. *Id.* at 3. Additionally, the ALJ found that the Agency shall determine the most appropriate form of emergency housing required to meet the needs of Petitioner, taking into consideration the fact that he is presently without any job prospects. *Ibid.*

No Exceptions to this Initial Decision were filed.

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.

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

Signed Copy on File
at DFD, BARA

AUG 27 2015

Natasha Johnson
Director