



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 19028-15 J.K.

AGENCY DKT. NO. GA601910 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA application because she came to New Jersey without a plan and failed to show an imminent or actual eviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 3, 2015, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On December 4, 2015, the ALJ issued an Initial Decision affirming the Agency's determination. The ALJ noted Petitioner formerly lived in North Carolina, but moved to New Jersey in May of 2015 as result of losing her employment. See Initial Decision at 2. Petitioner testified her plan was to receive public assistance, search for a new job, then go on maternity leave. Ibid. Upon arriving in New Jersey, Petitioner moved to a cousin's home, but testified she was forced to vacate the premises in October 2015, when the cousin downsized to a smaller apartment. Ibid. However, the Agency produced a letter from Petitioner's cousin that failed to include a request that Petitioner vacate, or a statement relating to an apartment downsize. Id. at 3. Instead, the letter stated that Petitioner does not receive any assistance and could no longer be fed. Ibid. Therefore, the ALJ concluded that Petitioner did not show an imminent eviction or homelessness, and caused her own homelessness by moving to New Jersey without a viable plan. Id. at 4. As the ALJ found Petitioner caused her own homelessness, the ALJ imposed a six-month period of EA ineligibility. Ibid.

No Exceptions 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 decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter. As I agree with the ALJ that Petitioner caused her own homelessness, a six-month EA penalty is proper. Therefore, Petitioner is ineligible for EA benefits for a period of six months from the effective date of denial, November 18, 2015. Ibid; see also Adverse Action Notice dated November 18, 2015.

By way of comment, and as noted by the ALJ in the Initial Decision, Petitioner is pregnant and expecting a child on December 31, 2015. Id. at 2. N.J.A.C. 10:90-6.1(c)(6) states that "[i]n consultation with [Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS], EA shall be provided to a [DCP&P] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements." However, it is unclear at the present time whether DCP&P will be involved with this family, following the birth of Petitioner's child, or if Petitioner "meets all other EA requirements."

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

Signed Copy on File
at DFD, BARA

DEC 28 2015

Natasha Johnson
Director