



**DEPARTMENT OF HUMAN SERVICES**  
Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*  
Tel. (609) 588-2400

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 8065-15 J.M.

AGENCY DKT. NO. C284625 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and the imposition of a six month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits because she abandoned affordable housing, had the capacity to plan for substitute housing, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 8, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On June 10, 2015, the ALJ issued his Initial Decision, affirming the Agency's determination. The record indicates that Petitioner had resided with her mother, continually, until her mother moved to North Carolina on March 1, 2015. See Initial Decision at 2. The ALJ found that Petitioner had an opportunity to move into affordable Section 8 housing with her mother in North Carolina, but chose not to do so. See *id.* at 2, 4. Regardless, the record further indicates that Petitioner had the time and capacity to plan for substitute housing while living with her mother, yet failed to do so, thereby causing her own homelessness. See *id.* at 5-6. Accordingly, the ALJ found that the Agency properly denied Petitioner EA benefits, and properly imposed a six-month penalty. See *id.* at 6-7; see also N.J.A.C. 10:90-6.1(c)(1)(i),(3).

Exceptions to this Initial Decision were filed by Legal Services, on behalf of Petitioner, on June 15, 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 find Petitioner's Exceptions raise facts and advance arguments, which were not presented to the ALJ at the June 8, 2015, plenary hearing, which is not permitted. See N.J.A.C. 1:1-18.4(c) ("Evidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions."). Be that as it may, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

A copy of the Initial and Final Decisions shall be forwarded to the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS, to ensure the health, safety, and welfare of Petitioner's children.

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

JUN 19 2015

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director