



State of New Jersey

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 11318-15 J.S.

AGENCY DKT. NO. C661681 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits because, purportedly, she moved to New Jersey with no real plan for being able to pay her rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On August 7, 2015, the ALJ issued his Initial Decision, reversing the Agency's determination. The ALJ found that when Petitioner moved from New York to New Jersey in January 2015, her security deposit and first month's rent was paid by New York, she had a job, and the father of her children was to move to New Jersey to assist with rent and other living expenses. See Initial Decision at 2. However, sometime after arriving in New Jersey, the children's father abandoned the family, and Petitioner lost her job, thereby causing petitioner to fall behind in her rent. *Id.* at 2-3. Petitioner is now facing eviction. *Id.* at 3. Additionally, the Agency offered no testimony to refute Petitioner's testimony. *Ibid.*

Based on the foregoing, the ALJ found that Petitioner had a plan when she moved to New Jersey, but that her imminent homelessness was due to circumstances beyond her control. *Ibid.*; see also N.J.A.C. 10:90-6.1(c).

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.

By way of comment, Petitioner's EA eligibility is contingent upon her first applying for Unemployment Income Benefits, and providing the Agency with proof of same.

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

AUG 19 2013

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director