



## 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 7044-15 K.M.

AGENCY DKT. NO. C107419 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") in the form of shelter. The Agency denied Petitioner's application because she had a realistic capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 22, 2015, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On May 26, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

Petitioner is a 19-year old woman who is pregnant and has a two-year old son. See Initial Decision at 2. Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits of \$322.00 per month and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits of \$306.00 per month. Ibid. At the hearing, Petitioner testified that she and her son resided with her parents until March 5, 2015. See Initial Decision at 2. On that date, Petitioner and her son were forced to leave the home after Petitioner told her parents that she was pregnant with her second child. Ibid.

Thereafter, Petitioner and her son stayed with a friend who lives in a small apartment with a roommate. Ibid. However, on May 7, 2015, the friend asked them to leave because Petitioner's son broke a table. Ibid.; see also Exhibit P-1. On May 12, 2015, Petitioner's friend decided to allow Petitioner and her son to return pending the outcome of her fair hearing, but she cannot continue staying there after her appeal is finalized. See Initial Decision at 2.

After considering the testimony and documentary evidence, the ALJ found that Petitioner has lived with her family her entire life until March 5, 2015. See Initial Decision at 2. Therefore, Petitioner has never maintained her own household nor has she previously been able to provide for herself and her child. Ibid. Petitioner did not know her parents would kick her out of the family home if she became pregnant again. Ibid. However, when Petitioner told her parents about her pregnancy, she and her father argued and now he will not permit Petitioner or her child to return to the residence. See Initial Decision at 2-3. Petitioner also testified that she stopped working in January 2015 because of childcare issues. See Initial Decision at 2. Although Petitioner did not plan to become pregnant again, she stated that it happened as a result of a birth control miscalculation. See Initial Decision at 3.

The ALJ concluded, and I agree, that Petitioner is imminently homeless and lacked a realistic capacity to plan to secure alternate housing because she was kicked out of her parents' home immediately after she unexpectedly became pregnant. See Initial Decision at 3-4. In addition, Petitioner's friend will no longer permit Petitioner and her son to live with her. See Initial Decision at 4. Accordingly, the ALJ ordered that the Agency's denial of Petitioner's EA application be reversed and that Petitioner be granted EA in the form of shelter placement. See Initial Decision at 4.

Exceptions to the Initial Decision were filed on May 27, 2015 by the Agency and by South Jersey Legal Services, Inc. on behalf of Petitioner.

As the Director of the Division of Family Development, Department of Human Services, I have considered the Initial Decision, and having made an independent review of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs.

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

*Signed Copy on File*

at DFD, BARA

**JUN 01 2015**

---

Natasha Johnson  
Director