



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 7704-15 N.A.

AGENCY DKT. NO. C395995 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial 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, purportedly, left affordable housing without a plan for substitute housing, thereby causing her own homelessness, and consequently a six-month penalty was imposed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 8, 2015, the Honorable Sandra A. Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 10, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions to the 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 reviewed the ALJ's Initial Decision and the record, and I MODIFY the ALJ's Initial Decision and MODIFY the Agency's determination.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to

plan in advance for substitute housing." Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). Additionally, EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

Here, the record indicates that the Agency denied Petitioner EA benefits because she "relocated from permanent affordable housing with [her] mother to live with [her] boyfriend without a realistic plan for self-sufficiency." See Exhibit R-1. However, the record further shows that at the time Petitioner applied for EA benefits, on May 15, 2015, she had been back living with her mother since October 2014, and continues to reside with her at present. See Initial Decision at 2. Therefore, I find that the Agency improperly denied Petitioner EA benefits on the basis set out in its adverse action notice, as discussed above, and improperly imposed a six-month penalty. See Exhibit R-1; see also Initial Decision at 6. Nevertheless, I concur with the ALJ's finding that Petitioner has not provided sufficient documentation to show that she is homeless or imminently homeless, and therefore, on that basis, I find that Petitioner is not eligible for EA benefits. See Initial Decision at 5, 7; see also N.J.A.C. 10:90-6.1. Accordingly, the ALJ's Initial Decision and the Agency's determination, are modified to reflect this finding.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is MODIFY and the Agency's action is MODIFIED.

Signed Copy on File
at DFD, BARA

JUN 19 2015

Natasha Johnson
Director