



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Acting Commissioner

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Director
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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 19695-15 R.B.

AGENCY DKT. NO. C088023 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she had the capacity to plan to avoid her emergent situation, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 14, 2015, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 15, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The ALJ found that Petitioner is currently receiving \$1,528 per month in Supplemental Security Income benefits for two of her children, \$290 per month in Work First New Jersey/Temporary Assistance for Needy Families benefits, \$341 per month in Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits, and was receiving child support payments until September 2015. See Initial Decision at 2. The record shows that Petitioner was living in a rent free shelter, which she knew to be temporary (90 days), yet she continued to reside there, rent free, from July 2014, until her eviction in December 2015. *Id.* at 2, 4. Further, the ALJ found that Petitioner's documentation of her monthly expenses showed unnecessary expenditures of her income over the past year and a half while she was residing at the shelter. *Id.* at 4-5. Additionally, the record shows that as a condition of EA eligibility, Petitioner was to search for affordable housing, and employment, yet she failed to do so. *Id.* at 3. Based on the foregoing, the ALJ found that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, and, therefore, the Agency properly denied Petitioner EA benefits. *Id.* at 8.

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Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on December 17, 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.

Additionally, because Petitioner had the capacity to plan to avoid her emergent situation, yet failed to do so, I find that she caused her own homelessness, and is, therefore ineligible for EA benefits for a period of six months, effective November 10, 2015. See N.J.A.C. 10:90-6.1(c)(3); see also Exhibit R-1.

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.

By way of further comment, as it is unclear from the record whether the Petitioner has an open case with the Division of Child Protection & Permanency, f/k/a DYFS, a copy of the Initial and Final Decisions shall be forwarded to DCP&P.

Finally, the Agency shall refer the Petitioner to any agencies or resources which may assist her with her housing needs.

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

DEC 31 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director