



State of New Jersey

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 11273-15 S.A.

AGENCY DKT. NO. C244569 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from 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 and imposed a six-month penalty because she moved from Bergen County to Hudson County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 5, 2015, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 5, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No Exceptions to the Initial Decision were received.

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 ADOPT the ALJ's Initial Decision and REVERSE 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." 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 Agency denied Petitioner EA benefits because she moved from Bergen County to Hudson County. See Initial Decision at 3. However, Petitioner's move alone, is not a sufficient premise for the denial of EA benefits, and the imposition of a six-month penalty. Moreover, the Agency did not provide any evidence at the hearing to show that Petitioner caused her own homelessness. Ibid.; see also N.J.A.C. 10:90-6.1(c). Therefore, I find that the Agency improperly denied Petitioner EA benefits, on the basis that she moved from one county to another and improperly imposed a six-month period of ineligibility for EA benefits. Accordingly, the Agency is to provide Petitioner with immediate shelter assistance.

By way of comment, as it appears from the record that Petitioner has an open case with the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS, a copy of the Initial and Final Decisions in this matter shall be forwarded to DCP&P.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is REVERSED.

Signed Copy on File
at DFD, BARA

AUG 19 2015

Natasha Johnson
Director