



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
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Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 6429-15 T.B.

AGENCY DKT. NO. S548017 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits in the form of a shelter placement. The Agency denied Petitioner's EA application because Petitioner caused his own homelessness as he had the realistic capacity to plan to avoid homelessness and failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 8, 2015, the Honorable Barry E. Moscowitz, Administrative Law Judge ("ALJ"), held an emergent plenary hearing, took testimony and admitted documents into evidence. On the same day, the ALJ issued an Initial Decision, reversing the Agency determination.

No Exceptions were received in the matter.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and having made an independent evaluation of the record, I ADOPT the Initial Decision and REVERSE the Agency's determination.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). In relevant part, EA is available when the assistance unit is in a state of homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing, and the Agency determines that EA is necessary for health and safety. N.J.A.C. 10:90-6.1(c). EA benefits shall not

be provided for a period of six months when an adult EA benefits applicant or recipient has caused his or her own homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

Here, Petitioner and his minor child were residing with his parents. See Initial Decision at 3. Petitioner's father demanded that Petitioner leave the residence without giving Petitioner reason or warning. Ibid. Moreover, Petitioner's mother's testimony supported Petitioner's claim to that effect. Ibid.; see also Exhibit P-1. Further, evidence was presented that confirmed that both of Petitioner's parents are moving from the residence as of June 8, 2015. Ibid.; see also Exhibit P-2.

The ALJ found, and the record otherwise reflects, that there was no evidence presented to support the allegation that Petitioner caused his own homelessness. See Initial Decision at 3. The ALJ concluded that the Agency's action in denying Petitioner's EA application was inappropriate and ordered that the Agency's action be reversed. Ibid. I agree.

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

MAY 18 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director