



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 18760-15 T.C.

AGENCY DKT. NO. C381858 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits, and the imposition of a six-month period of EA ineligibility, because she caused her own homelessness and had a capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 1, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 2, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby REJECT the Initial Decision and AFFIRM the Agency determination.

In order to be EA eligible, the assistance unit must be 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. See N.J.A.C. 10:90-6.1(c). EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

The record reflects that, in July 2015, while Petitioner was pregnant, she voluntarily quit a full-time job in New Jersey and moved with her five-year old daughter to Virginia with no promise of employment. See Initial Decision at 2. Petitioner lived temporarily with her brother and his girlfriend, who told Petitioner that she and her daughter could reside with them until she found employment and "got back on her feet." See Initial Decision at 3. While in Virginia, Petitioner discovered that she was pregnant with twins. Ibid. Petitioner searched for employment, but was unsuccessful in finding a job. Ibid. Thereafter, Petitioner lost her temporary housing because her brother became incarcerated, and his girlfriend advised Petitioner that she and her daughter could no longer live with her. Ibid.

In October 2015, Petitioner returned to New Jersey to live with her mother in a rented apartment. See Initial Decision at 3. However, as soon as Petitioner moved in, her mother's landlord threatened to evict her if Petitioner did not immediately leave the premises, because Petitioner was not included as a tenant on the lease. Ibid. Petitioner then applied to the Agency for EA. Ibid. The Agency denied Petitioner's application, and imposed a six-month period of EA ineligibility upon her, because Petitioner voluntarily quit employment in New Jersey without good cause, and moved to an unstable living arrangement in Virginia without a plan for employment, thereby causing her own homelessness. Ibid.; see also N.J.A.C. 10:90-6.1(c)(3).

I disagree with the ALJ's finding that Petitioner, who is now eight months pregnant, did not move to Virginia, and then back to New Jersey, without a plan for employment or housing. See Initial Decision at 3-4. Further, I reject the ALJ's conclusion that Petitioner is homeless due to circumstances beyond her control. See Initial Decision at 4. Rather, I find that the Agency properly denied Petitioner EA because she caused her own homelessness and had a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). Moreover, for those reasons, the Agency correctly imposed a six-month period of EA ineligibility upon Petitioner pursuant to N.J.A.C. 10:90-6.1(c)(3). Based on the facts herein, I hereby reject the ALJ's Initial Decision and find that the Agency's action was appropriate and must stand.

By way of comment, the Agency shall refer the Petitioner to the Social Services for the Homeless ("SSH"), and any other agencies or programs which may assist her with her housing needs.

Accordingly, the Initial Decision is hereby REJECTED and the Agency's action is hereby AFFIRMED.

DEC 21 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director