



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 14848-15 T.H.

AGENCY DKT. NO. C661045 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA benefits because it determined that she had the realistic capacity to plan for substitute housing, but failed to do so, and thereby caused her own housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 28, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On October 30, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The record shows that Petitioner moved into her friend's apartment in May 2015, when she was evicted from her apartment. See Initial Decision at 2; see also Exhibit R-2. The record also shows that Petitioner is currently still living with the said friend, but admittedly, had not planned for alternate housing. *Ibid.* Additionally, the record shows that there is no pending eviction proceeding filed against Petitioner or her friend. *Ibid.* The ALJ found that Petitioner had approximately six months since the eviction from her prior housing to plan for alternate housing, but failed to do so. *Id.* at 3. Accordingly, the ALJ concluded that the Agency properly denied Petitioner EA benefits and imposed a six-month EA penalty because she had the realistic capacity to plan in advance for substitute housing, but failed to do so, without good cause, and thereby caused her own housing emergency. *Ibid.*; see also N.J.A.C. 10:90-6.1(c)(3).

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 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.

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

Signed Copy on File
at DFD, BARA

NOV 20 2015

Natasha Johnson
Director