



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 11321-15 T.M.

AGENCY DKT. NO. C624907 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she had the capacity to plan to avoid her emergent situation, and failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On August 7, 2015, the ALJ issued his Initial Decision, affirming the Agency's determination. The record shows that since March of 2013, Petitioner has, knowingly, resided in a series of temporary housing. See Initial Decision at 2, 3. The record further indicates that Petitioner received an eviction notice on March 27, 2015, from the management of her current residence, telling her to vacate the property within 60 days of the notice. *Id.* at 3; see also Exhibit P-2. At the time of the hearing, Petitioner still resided at her current address. See Initial Decision at 3.

Based on the foregoing, the ALJ found that Petitioner had since March 27, 2015, to plan to avoid her state of imminent homelessness, and further, did nothing to plan for substitute housing since she came to New Jersey in 2013. *Ibid.* Additionally, the ALJ found that Petitioner's imminent homelessness was not due to circumstances

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beyond her control, and she had the realistic capacity to plan for substitute housing. Id. at 3, 4; see also N.J.A.C. 10:90-6.1(c). Additionally, Petitioner did not rebut the Agency's contention that she failed to plan to avert her emergent situation. Id. at 3. Accordingly, the ALJ found that the Agency properly denied Petitioner EA benefits.

No Exceptions to this 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.

**AUG 19 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director