State of New Jersey

ΓMENT OF HUMAN SERVICES
SION OF FAMILY DEVELOPMENT
CN 716

DEPARTMENT OF HUMAN SERVICES
Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 19446-16 D.L.

AGENCY DKT. NO. C188342 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Petitioner's application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she moved to New Jersey ("NJ") without a plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 23, 2017, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 31, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner moved to NJ without the prospect of employment, and without the prospect of permanent housing. See Initial Decision at 2. Additionally, the ALJ found that Petitioner voluntarily left shelter housing in another county, and moved to Passaic County without a plan for permanent housing. Ibid. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for EA benefits because she had the capacity to plan for self-sufficiency prior to moving to NJ, but failed to do so. Id. at 3; see also N.J.A.C. 10:90-6.1(c). Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper. See Initial Decision at 3; see also Exhibit R-1. I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on February 13, 2017.

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.

By way of comment, because the ALJ found that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, I find that Petitioner caused her own homelessness, and therefore, that she is ineligible for EA benefits for a period of six-months, beginning December 16, 2016, the date of the Agency's denial of said benefits. See Initial Decision at 3; see also Exhibit R-1 and N.J.A.C. 10:90-6.1(c)(3).

By way of further comment, I find that the Exceptions, submitted on behalf of Petitioner, to be without merit. I initially note that Petitioner admittedly raises facts in her Exceptions which were not presented to the ALJ at the January 23, 2017, plenary hearing, which is not permitted. See N.J.A.C. 1:1-18.4(c) ("Evidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions."). However, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

MAR 0 1 2017

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director