



State of New Jersey

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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 03174-18 A.C.

AGENCY DKT. NO. C219304009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits and the imposition of a six-month EA ineligibility penalty. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had the capacity to plan for alternate housing, but 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 March 8, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on that date, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, paid \$1350 per month with the help of family members and child support payments. See Initial Decision at 2. The record reflects that in February of 2017, Petitioner learned that her apartment had been foreclosed on in January of 2017. See Initial Decision at 2. Further, Petitioner testified that she stopped paying rent in January of 2017 because her landlord would not provide her with rent receipts. See Initial Decision at 2; see also Exhibit R-1 at 7. In February of 2017, Petitioner, who was not a WFNJ/TANF benefits recipient at the time, applied for EA benefits; however, she was denied, since there was no evidence that she was to be evicted. See Initial Decision at 2. In December 2017, she again applied for EA benefits, but was denied because she had not paid rent in a year, had not applied for WFNJ/TANF benefits in February, and could have used that money she was not spending on rent to secure another residence. See Initial Decision at 2-3; see also Exhibit R-1 at 2. The Agency also imposed a six-month period of ineligibility of EA benefits. See Exhibit R-1 at 2; see also N.J.A.C. 10:90-6.1(c)(3). Based on the foregoing, the ALJ found that, because Petitioner had not paid rent from January 2017, through January 2018, Petitioner had sufficient time and funds to locate and secure alternate housing, and therefore, had the capacity to prevent her housing emergency, but failed to do so, thereby causing her own homelessness. See Initial Decision at 3; see also Exhibit R-1 at 1-3, and N.J.A.C. 10:90-6.1(c)(1), -6.1(c)(3)(v). As such, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and should be affirmed. See Initial Decision at 4; see also Exhibit R-1. I agree.

Petitioner filed Exceptions to the Initial Decision on March 9, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the Initial Decision and, having made an independent evaluation of the record, I concur with the ALJ's Initial Decision and hereby adopt the Findings of Fact and Conclusions of Law.

Additionally, because I agree that Petitioner caused her own homelessness, I hereby affirm the Agency's imposition of the six-month EA ineligibility penalty. See Exhibit R-1 at 1-2; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA



ineligibility penalty shall begin to run from February 26, 2018, the date of the Agency's denial, through August 25, 2018.
Ibid.

By way of comment, 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 is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

Officially approved final version.

Natasha Johnson
Director

MAR 19 2018

