



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Commissioner

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Lt. Governor

NATASHA JOHNSON
Director

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 06928-18 T.H.

AGENCY DKT. NO. C262222007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she abandoned affordable housing, without good cause, and that she had the capacity to plan to avoid her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 16, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On that same day, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner received EA benefits in the form of a security deposit in December of 2017, which she used to obtain Section 8 housing. See Initial Decision at 2; see also Exhibit P-1. Thereafter, Petitioner gave her landlord 30 days notice that she would be abandoning her apartment on April 30, 2018. See Initial Decision at 2. On April 30, 2018, without having secured additional housing, Petitioner used the security deposit, which was returned to her by her landlord, to move into a hotel. See Initial Decision at 3; see also Exhibit P-2. On May 8, 2018, Petitioner applied for EA benefits, which the Agency denied, finding that Petitioner had caused her own homelessness and failed to inform the Agency of her emergency in a timely manner. *Ibid.* Petitioner alleged that she had abandoned her Section 8 housing because she felt unsafe after her apartment was broken into. See Initial Decision at 2. However, despite police involvement, Petitioner did not provide any documentation to prove such assertions, such as a police report. *Ibid.* Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper as Petitioner had caused her own homelessness by abandoning Section 8 housing, and because she had the realistic capacity to plan, but failed to do so. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.1(c), -6.1(c)(3)(vii). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.



By way of comment, because I find that Petitioner caused her own homelessness, she is subject to a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from May 11, 2018, the date of the Agency's denial of EA benefits, through November 10, 2018. See Exhibit P-2.

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

Officially approved final version.

MAY 24 2018

Natasha Johnson
Director

