



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 16850-18 T.W.

AGENCY DKT. NO. C160532009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had sufficient income to pay her rent, and the capacity to prevent her own homelessness, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 29, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 30, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits in the form of temporary rental assistance ("TRA"). See Initial Decision at 2. The record further reflects that, at the time of Petitioner's application for EA benefits, Petitioner received \$132 per month in Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, \$368 per month in court-ordered child support, and monthly Supplemental Security Income ("SSI") benefits in the amount of \$781, for a total of \$1,281 per month in income. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-3.9(b), -3.11(c)(1)(i). Additionally, Petitioner receives \$612 per month in Supplemental Nutrition Assistance Program ("SNAP") benefits. See Initial Decision at 2. The record also shows that Petitioner's parents live with her, and at the time of Petitioner's application for EA benefits, their combined income was \$3,328 per month. *Ibid.*; see also Exhibit R-3. The ALJ found, and Petitioner acknowledges, that Petitioner's parents share the costs of housing, including contributing to the rent. See Initial Decision at 2, 3. Based on the foregoing, the ALJ concluded that Petitioner had sufficient income to pay the rent, but failed to do so, without good cause, and that she is, therefore, ineligible for EA/TRA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.1(c)(1)(3)(v). Accordingly, the ALJ affirmed the Agency's denial of Petitioner's application for EA/TRA benefits. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Additionally, because I agree with the ALJ's conclusion that Petitioner had the capacity to plan to avoid her emergency, but failed to do so, I also find that Petitioner has caused her own homelessness. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3)(v). As such, I hereby affirm the Agency's imposition of a six-month period of ineligibility for EA benefits. See Exhibit R-1 at 2. The six-month EA penalty shall run from November 19, 2018, the date of the Agency's denial, through May 18, 2019. *Ibid.*; see also N.J.A.C. 10:90-6.1(c)(3).

No Exceptions to the Initial Decision were received.

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.



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

Officially approved final version.

DEC 06 2018

Natasha Johnson

Director

