



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 17586-15 A.Z.

AGENCY DKT. NO. C074677 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits because she had the opportunity to plan for affordable housing, but failed to do so, and thereby caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On November 10, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The record shows that Petitioner entered into a lease agreement in April 2015, but was immediately delinquent with her rental payments. See Initial Decision at 2; see also Exhibit R-1 at 7 and 13. The record also shows that Petitioner applied for EA benefits in July and again in October, 2015, but the Agency denied both applications because Petitioner entered into a lease agreement without sufficient income or ability to pay, because she had more than five months of rent in arrears, and because she refused offer of shelter placement, thereby caused her own housing emergency. See Initial Decision at 2-3; see also Exhibits R-1 at 1-2, 15, and R-3 at 1-2. Additionally, the record shows that Petitioner is currently subject to an eviction due to non-payment of rent, but she was able to satisfy more than half of the arrears. See Initial Decision at 3; see also Exhibits R-1 at 11 and R-2 at 1-2. The ALJ found that Petitioner could not account for or explain her sources of income, her roommate arrangements, or her employment situations. See Initial Decision at 5. The ALJ also found that Petitioner caused her own homelessness,

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without good cause, when she entered into a lease agreement for an unaffordable apartment, when she allowed her rent to be in arrears for more than three months, and when she refused Agency's offer of shelter placement. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(a). Additionally, the ALJ found that Petitioner appears to have other source(s) of income. Ibid. Accordingly, the ALJ concluded, and I agree, that the Agency properly denied Petitioner's application for EA benefits for the aforementioned reasons. See Initial Decision at 5.

No Exceptions to the 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.

By way of comment, because I find that Petitioner caused her own homelessness, without good cause, she is hereby subject to a six-month period of EA ineligibility. As Petitioner was initially denied EA benefits by the Agency based upon the same reasoning, see Exhibit R-3, the six-month EA ineligibility period is effective July 9, 2015. See N.J.A.C. 10:90-6.1(c)(3).

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

NOV 23 2015

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director