



## 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 16144-15 D.M.

AGENCY DKT. NO. C029597 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because it determined that he is not actually or imminently homeless, due to circumstances beyond his control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 30, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 9, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record shows that Petitioner, a Supplemental Security Income ("SSI") benefits recipient, moved in with his daughter after an altercation with his roommate. See Initial Decision at 2. The record also shows that Petitioner voluntarily moved out of his daughter's home. See Exhibit R-1 at 7. Additionally, the record shows that Petitioner declined the Agency's offer to place him in a boarding home. Ibid. The ALJ found that Petitioner did not cause his own homelessness. See Initial Decision at 3. Accordingly, the ALJ concluded that the Agency improperly denied Petitioner EA benefits. Ibid. I respectfully disagree.

While the ALJ's finding stems from Petitioner's altercation with his former roommate, Petitioner's state of homelessness, at the time of his application for EA benefits, was caused by his subsequent decision to voluntarily move out of his daughter's home. See Initial Decision at 3; see also Exhibit R-1 at 7. In fact, the record shows that Petitioner was not even asked to leave his housing. See Exhibit R-1 at 7. Moreover, the record indicates that Petitioner was offered affordable housing at a boarding home in Salem, NJ (not Camden, as stated by the ALJ), which Petitioner rejected. See Exhibit R-1 at 1, 3; see also Initial Decision at 2. Therefore, based on the foregoing, I find that Petitioner had caused his own homelessness, without good cause. Accordingly, I find that the Agency properly denied Petitioner's EA benefits. See N.J.A.C. 10:90-6.1(c)(3).

Based on the foregoing, the Initial Decision is REJECTED and the Agency's action is AFFIRMED.

*Signed Copy on File*  
at DFD, BARA

JAN 15 2016

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Natasha Johnson  
Director