



DEPARTMENT OF HUMAN SERVICES

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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 7048-15 J.R.

AGENCY DKT. NO. GA548837 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") benefits because he did not have an emergency beyond his control and did not lack a realistic capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 21, 2015, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony, and admitted documents into evidence. On May 22, 2015, the ALJ issued an Initial Decision affirming the Agency determination.

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 record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

EA is available to Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") recipients when the assistance unit is in a state of homelessness due to circumstances beyond its control or the absence of a realistic capacity to plan for substitute housing, and the Agency determines that EA is necessary for health and safety. N.J.A.C. 10:90-6.1(c). EA shall not be provided for a period of six months when an adult EA applicant has caused his or her own homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

Petitioner is a WFNJ/General Assistance ("WFNJ/GA") recipient who initially applied to the Agency for EA on October 29, 2014. See Initial Decision at 2; see also Exhibit P-3. Petitioner applied for EA after receiving a 30-day involuntary discharge notice dated October 1, 2014 from Dover Woods Health Care Center, where he resided as an inpatient. See Initial Decision at 2-3; see also Exhibits P-2 and P-4. On November 1, 2014, Petitioner was involuntarily discharged from Dover Woods Health Care Center for refusing to take prescribed medication and for destroying property. See Initial Decision at 2-3; see also Exhibit P-2. The Agency sent a notice to Petitioner denying his EA application effective December 10, 2014 because he did not have an emergency beyond his control. See Initial Decision at 2; see also Exhibit P-3.

From November 1, 2014 through April 10, 2015, Petitioner managed to find housing at various Ocean County locations. See Initial Decision at 3. Those locations include working for his stay at a "bed and breakfast" from November 16, 2014 to February 12, 2015, and thereafter staying at his sister's and acquaintances' residences. See Initial Decision at 3; see also Exhibit P-5. On April 10, 2015, Petitioner again applied to the Agency for EA, but the Agency denied his application effective April 22, 2015 because Petitioner did not have an emergency beyond his control and did not lack a functional capacity to plan for substitute housing. See Initial Decision at 2 and 6; see also Exhibit R-1.

The ALJ concluded, and I agree, that Petitioner has failed to meet his burden of proof to show that he is eligible for EA. See Initial Decision at 7. The ALJ found that Petitioner's actions have created his own emergency and that he did not lack a realistic capacity to plan to prevent his own homelessness. *Ibid.* Specifically, the ALJ noted that Petitioner "abandoned the housing he had by refusing to take his medication." See Initial Decision at 6. By doing so, Petitioner "chose to subvert the existing preconditions" for his housing at Dover Woods Health Care Center. *Ibid.* Further, the ALJ did not find credible Petitioner's claim of functional incapacity, stating that all of Petitioner's actions focused on avoiding his medication and, therefore, are directly in opposition to such a finding. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(1)(iii)(failure to plan exists when assistance unit demonstrates functional incapacity that prevents them from planning for or securing substitute housing). Accordingly, because Petitioner's actions contradict a lack of realistic capacity to plan, and because he created his own emergency without good cause, the ALJ concluded that Petitioner failed to qualify for EA. See Initial Decision at 7.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record and the ALJ's Initial Decision, and I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

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

MAY 27 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director