



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625
(609) 588-2400

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

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 17061-14 R.B.

AGENCY DKT. NO. C039711 (MERCER COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because, purportedly, he caused his own homelessness by causing a fire in his apartment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 3, 2015, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The ALJ left the record open until February 12, 2015, to allow time for Petitioner to submit documentation refuting that he caused the fire in his apartment. However, no documents were forthcoming and the record was closed. On February 27, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions were filed by Petitioner on March 16, 2015.

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

The purpose of EA for Supplemental Security Income ("SSI") recipients is to minimize the incidence of homelessness among the SSI recipient population. N.J.A.C. 10:90-6.1(a). 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 already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, "EA shall not be provided for a period of six months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause, for reasons that may include, but are not limited to, (c)(3)(i) through (ix) below ... (iv) [When an applicant/recipient has been evicted] from private, public or subsidized housing for destruction of property, provided that the destruction of property was caused by the adult applicant[.]"

Here, the record indicates that Petitioner is an SSI benefits recipient whose EA benefits were terminated on December 10, 2014, because he purportedly caused a fire in his apartment, was evicted from his EA subsidized housing for destruction of property, and thereby caused his own homelessness. See Initial Decision at 4. The record shows that a fire occurred in Petitioner's apartment and upon examination of the fire scene, the fire inspector determined Petitioner had several devices plugged into a small gauge extension cord, a larger cord involved had been cut and spliced in order for another cord to be powered from this larger gauge cord, which contributed to over-heating and caused combustibles in the area to ignite. See Exhibit R-3 at 4. Petitioner disputed the fire inspector's report and the ALJ left the record open for nine days to allow Petitioner time to provide documents refuting that he caused the fire, but no documents were forthcoming. See Initial Decision at 2. As a result of the fire and damage to the apartment, Petitioner's landlord terminated Petitioner's lease for failure to use all appliances in a safe manner. See Initial Decision at 2; see also Exhibit R-3 at 4.

Based upon the foregoing facts, the ALJ found, and I concur, that the Agency properly terminated Petitioner's EA benefits. See Initial Decision at 4. Moreover, because Petitioner caused his own homelessness, he is subject to a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3).

By way of comment, I find Petitioner's Exceptions to be without merit. I note that Petitioner raises facts and submits documents in his Exceptions which were not presented to the ALJ at the February 3, 2015, plenary hearing, which is not permitted. See N.J.A.C. 1:1-18.4(c) ("Evidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions."). Nor did Petitioner raise the facts or submit the documents presented in his Exceptions within the time period left open by the ALJ for submission of additional documents. See Initial Decision at 2.

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

APR 24 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director