



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 9174-15 R.G.

AGENCY DKT. NO. C089912 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she had sufficient income to pay her rent, failed to do so through mismanagement of funds, thereby causing her own imminent homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 26, 2015, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 29, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions to the Initial Decision were filed by Legal Services on behalf of Petitioner on June 30, 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.

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." Additionally, EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

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Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA shall be made available “[w]hen shelter costs equal or exceed total recorded income to the WFNJ or SSI assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses”

The record shows that Petitioner applied for EA benefits to pay for her April, May and June 2015, past due rent, and was, subsequently, denied EA benefits because she had sufficient income to pay her rent but failed to do so, due to mismanagement of funds. See Initial Decision at 2-3. Here, the ALJ found, and I concur, that Petitioner had sufficient income to pay her April, May and June rent. See *id.* at 4; see also N.J.A.C. 10:90-6.1(a)(1). Additionally, the ALJ found Petitioner’s claim that she was paying prior arrearages, to be an unacceptable reason why Petitioner failed to pay her rent. See Initial Decision at 4. Further, the ALJ found that Petitioner had more than enough income from her Unemployment Insurance Benefits (“UIB”) and her child’s Supplemental Security Income (“SSI”), to plan for the continued payment of rent once her UIB expired, but failed to do so. *Ibid.* Moreover, the record clearly shows that Petitioner’s Work First New Jersey/Temporary Assistance for Needy Families and SSI benefits were sufficient to pay her monthly rent once her UIB expired, and are, likewise, sufficient to pay her rent going forward. *Ibid.* Accordingly, the ALJ found, and I concur, that the Agency properly denied Petitioner EA benefits.

Based on the facts presented, I find that Petitioner had sufficient income to pay her April, May, and June rent, and failed to do so, thereby causing her own homelessness. Consequently, she is ineligible for EA benefits for a period of six months beginning June 18, 2015. 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 initially note that Petitioner admittedly raises facts in her Exceptions which were not presented to the ALJ at the June 26, 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.”) Be that as it may, I have reviewed Petitioner’s Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Signed Copy on File

at DFD, BARA

JUL - 8 2015

Natasha Johnson
Director