



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 11264-14 S.T.

AGENCY DKT. NO. C400945 (CAMDEN 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's application on the basis that Petitioner had caused his own homelessness by failing to pay his rent with his available funds. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 11, 2014, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 15, 2014, the ALJ issued his Initial Decision affirming the Agency determination.

No exceptions to the Initial Decision were filed.

As Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and the Conclusions of Law as contained in the Initial Decision.

EA shall be made available through the Work First New Jersey ("WFNJ") program as a supportive service to meet the emergent needs of WFNJ recipients, so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. N.J.A.C. 10:90-6.1(a). However, EA is only available where there has been an actual or

imminent eviction from prior housings, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or in the absence of a realistic capacity to plan in advance for substitute housing. N.J.A.C. 10:90- 6.1.

A lack of realistic capacity to engage in advance planning exists when the assistance unit can demonstrate that available funds were exhausted on items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living. N.J.A.C.10:90-6.1(c)(1)(ii).

When an individual has caused his own homelessness, without good cause, for reasons that may include having the available funds and capacity to prevent homelessness, but failing to do so, and when an individual's behavior has caused his own homelessness, he is ineligible to receive EA for a period of six months. N.J.A.C. 10:90-6.1(c)(3)(v) and (vi).

Here, Petitioner has not paid his rent since April 28, 2014, even though his household income for the months of May, June and July far exceeded his monthly rent of \$809.00. The ALJ concluded, and I agree, that Petitioner had the available funds to pay his rent but did not do so. Moreover, the Petitioner failed to demonstrate that his available funds were exhausted on items deemed appropriate, necessary, or reasonable for decent living. As such, the Petitioner has caused his own homelessness without good cause, and is ineligible for EA for a period of six months. N.J.A.C. 10:90-6.1(c)(3).

Accordingly, the Agency action is AFFIRMED.

SEP 29 2014

Signed Copy on File

at DFD, BARA

Jeanette Page-Hawkins
Director