



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 7176-15 T.P.

AGENCY DKT. NO. V642382 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she had sufficient funds to pay her rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 21, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On May 22, 2015, the ALJ issued his Initial Decision, affirming the Agency's determination. The record shows that Petitioner receives monthly Supplemental Security Income ("SSI") in the amount of \$772, and her monthly subsidized rental payment is \$382. See Initial Decision at 2. The record indicates that Petitioner allowed her sister to manage her funds and pay her rent. *ibid.* However, Petitioner's sister did not use Petitioner's funds to pay the rent, and Petitioner now faces eviction. *Ibid*

Based on the facts of the case, and Petitioner's demeanor, the ALJ found that Petitioner was thinking clearly, was certainly capable of monitoring the payment of her rent, but failed to do so simply as a result of lack of due care and circumspection. *Id.* at 3. Accordingly, the ALJ found that Petitioner had caused her own imminent homelessness, without good cause, that the Agency's denial of EA benefits was appropriate; and imposed a six-month period of ineligibility for EA benefits. *Ibid.*; see also N.J.A.C. 10:90-6.1(c)(3). Of note, Petitioner stated that she did not want a protective payee to assist her with the management of her funds. See Initial Decision at 2.

No Exceptions to this Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

MAY 29 2015 *Signed Copy on File*
at DFD, BARA

Natasha Johnson
Director