



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 11988-15 V.M.

AGENCY DKT. NO. C058717 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her Emergency Assistance ("EA") benefits request in the form of Temporary Rental Assistance ("TRA"), and the imposition of a six-month period of EA ineligibility. The Agency denied Petitioner's EA/TRA benefits application and imposed the EA penalty because she had sufficient funds to pay her housing costs but chose not to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 19, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held an emergent plenary hearing, took testimony and admitted documents.

On August 20, 2015, the ALJ issued his Initial Decision, affirming the Agency's determination. The ALJ noted that there is no dispute in the matter regarding the amount of Petitioner's monthly income. See Initial Decision at 3. Specifically, Petitioner receives \$2,292.75 per month in Supplemental Security Income and her monthly rent is \$1,200.00. *Id.* at 2-3. Petitioner testified that she chose to make expenditures on other items rather than pay the rent. *Id.* at 3. The ALJ concluded that Petitioner caused her own homelessness, notwithstanding the fact that she had sufficient income to pay her housing costs, because she chose to purchase non-essential items instead of paying her monthly rent. *Ibid.* As Petitioner caused her own homelessness, the ALJ noted that Petitioner is ineligible to receive EA assistance for a period of six months. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3)(v).

No Exceptions to this Initial Decision were filed by either party.

As the Director of the Division of Family Development ("DFD"), 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.

By way of comment, the six-month EA penalty begins from the date of EA denial, which in this matter is August 3, 2015. See DFD Instruction 08-5-4; see also Exhibit R-1 at 3. Therefore, Petitioner is ineligible for EA benefits from August 3, 2015, through February 3, 2016.

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

Signed Copy on File
at DFD, BARA

AUG 27 2015

Natasha Johnson
Director