



State of New Jersey

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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 00886-18 M.L.

AGENCY DKT. NO. C118819006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had the capacity to plan to avoid his emergent situation, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 28, 2018, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 19, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner began living with his mother and stepfather, after becoming unemployed on June 7, 2017. See Initial Decision at 2; see also Exhibit R-1 at 15. Also in June 2017, Petitioner was injured, and subsequently received disability benefits for three months, ending on September 1, 2017. See Initial Decision at 3; see also Exhibit R-1 at 15. While employed, Petitioner's monthly net income totaled \$1,030. See Initial Decision at 3; see also Exhibit R-2. In October 2017, after Petitioner's mother passed away, he was ejected from the family home. See Initial Decision at 3; see also Exhibit R-1 at 15. The ALJ found that Petitioner took no steps to avoid his housing emergency. See Initial Decision at 3-4. Specifically, the ALJ found that Petitioner paid no rent while living with his mother and stepfather, and therefore, had a realistic capacity to plan to avoid his emergent situation, but failed to do so, thereby causing his own homelessness. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(a). Therefore, the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:90-6.1(c). I agree.

Additionally, because I agree with the ALJ's conclusion that Petitioner has caused his own homelessness, I also affirm the Agency's imposition of a six-month period of ineligibility for EA benefits. See Initial Decision at 4. Petitioner's six-month EA penalty shall run from November 29, 2017, the date of the Agency's denial, through May 29, 2018. See Exhibit R-1 at 3, and N.J.A.C. 10:90-6.1(c)(3)(vi).

No Exceptions to the Initial Decision were received.

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.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.



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

Officially approved final version.

APR 27 2018

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Natasha Johnson  
Director

