



State of New Jersey

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Director

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 13726-18 T.L.

AGENCY DKT. NO. C483223007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits contending that she failed to comply with her EA service plan ("SP") by failing to complete housing searches, and because Petitioner provided no proof that she had applied for subsidized housing or other programs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 25, 2018, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on September 25, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 hereby MODIFY the ALJ's Initial Decision and AFFIRM the Agency's determination, as discussed below.

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."

Here, the record reveals that Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, has received 44 months of EA benefits, and as such, she has exhausted her lifetime limit of EA benefits, plus all extreme hardship extensions. See Initial Decision at 2; see also Exhibit R-1 at 19-25, and N.J.A.C. 10:90-6.4(a), (b), (c). The record also shows that Petitioner's EA benefits were previously terminated in October, 2017. See Initial Decision at 2; see also Exhibit R-1. On June 18, 2018, Petitioner applied for an extension of EA benefits under the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 2; see also Exhibit R-1 at 12-14, and N.J.A.C. 10:90-6.9. The Agency denied the extension, contending that Petitioner had failed to comply with her SP, which had been



executed when Petitioner previously received EA benefits in June of 2017, by failing to complete housing searches since October of 2017. See Initial Decision at 2; see also Exhibit R-1 at 2-6, 15-18. The ALJ noted that Petitioner has not received EA benefits since October of 2017. See Initial Decision at 2; see also Exhibit R-1 at 19-25. Nevertheless, the Agency and ALJ concluded that, although Petitioner had not been receiving EA benefits, that she was required to comply with her SP. See Initial Decision at 3-4; see also Exhibit R-1 at 2-6, and N.J.A.C. 10:90-6.6(a). I respectfully disagree with the conclusion that Petitioner violated an SP, due to the fact that Petitioner's EA benefits terminated in October 2017, and as such, no SP was in effect following said termination. See N.J.A.C. 10:90-6.6(a).

However, the ALJ found that Petitioner, on her own admission, has not performed any housing searches since October 2017, when her EA benefits terminated, nor has she sought to secure affordable housing on her own. See Initial Decision at 3; see also Exhibit R-1. As such, I agree with the Agency's determination denying Petitioner EA benefits, because her current housing emergency is not due to circumstances beyond her control, and nothing in the record shows that she did not have a realistic capacity to plan since her EA benefits terminated in October, 2017. See Exhibit R-1; see also N.J.A.C. 10:90-6.1(c). Moreover, as stated by the Agency in its June 18, 2018, denial notice, Petitioner has not provided any proof of application for any programs or subsidized housing. See Exhibit R-1 at 3. Therefore, I find that Petitioner clearly has failed to plan to avoid her emergent situation, and on this basis, the Agency's denial of EA benefits was proper and must stand. Ibid. The Initial Decision is hereby MODIFIED to reflect the above findings.

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

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

OCT - 3 2018

Natasha Johnson
Director

