



State of New Jersey

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NATASHA JOHNSON  
Assistant Commissioner

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 15457-19 B.G.

AGENCY DKT. NO. C063599015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that his emergency was not due to circumstances beyond his control and that he had the capacity to plan to avoid his emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 8, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on November 8, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on November 8, 2019.

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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

In order to be EA eligible, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). The lack of a realistic capacity to plan exists when the assistance unit can demonstrate that available funds were exhausted on items deemed necessary, appropriate, or reasonable for decent living, and that such expenditures were made as a result of a significant occurrence or from meeting the expenses of daily living. See N.J.A.C. 10:90-6.1(c)(1)(ii). These expenses must be documented in the case record. Ibid.

Here, based on Petitioner's credible testimony regarding the circumstances surrounding his homelessness, the ALJ found that Petitioner had made his best efforts to pay for his housing and to plan to avoid homelessness, but was unable to do so. See Initial Decision at 2-3. It also appears from the record, that the ALJ had found that Petitioner had exhausted his available funds on reasonable and necessary items for decent living, such as car payments and overdue parking fines, which, if left unpaid would have resulted in the impoundment of his vehicle and inability to work. Id. at 2. The ALJ also found Petitioner credible when he testified that he had provided the Agency with proof that he was no longer permitted to reside with his aunt because she lives in an age restricted residence. Ibid. Based



on the foregoing, the ALJ concluded that the Agency's denial of EA benefits was improper and must be reversed. Id. at 3-4; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.1(c). I agree, and based on the facts presented, I find that Petitioner's emergency was due to circumstances beyond his control.

By way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

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Natacha Johnson  
Assistant Commissioner

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