



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 17161-19 H.T.

AGENCY DKT. NO. C369949007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he had the capacity to plan to avoid his emergency, 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. A hearing was initially scheduled for December 10, 2019, but was adjourned at the request of Petitioner. On December 11, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 12, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination, on other grounds.

No Exceptions to the Initial Decision were received.

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 AFFIRM the Agency's determination, on other grounds, 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 to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-6.3(a)(1)(ii). EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

Only Work First New Jersey ("WFNJ") cash assistance recipients and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the Agency denied Petitioner EA benefits, contending that he had the capacity to plan to avoid his emergency, but failed to do so, thereby causing his own homelessness. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1), - 6.1(c)(3)(v), (vi). The ALJ found that the Agency had failed to prove, by a preponderance of credible evidence, that Petitioner had the capacity to plan



to avoid either the eviction from his apartment, or to avoid the necessity to move from the motel where he had resided after that eviction. See Initial Decision at 4. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, on that basis, was improper. Id. at 3-4; see also Exhibit R-1. I agree. However, the ALJ found that Petitioner is not currently homeless, as he is permitted to reside at his current shelter until January 21, 2019, and that he is not currently a WFNJ benefits recipient. See Initial Decision at 4-5. On those bases, the ALJ concluded that Petitioner was ineligible for EA benefits, and affirmed the Agency's denial of said benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c), -6.2(a). Further, the ALJ concluded that Petitioner may reapply for EA benefits upon approval of WFNJ/General Assistance benefits, and when facing imminent homelessness. See Initial Decision at 5. I also agree, and note, that as the Agency's denial is affirmed on other grounds, no 6 month EA penalty applies at this time.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED, on other grounds, as outlined above.

DEC 20 2019

Officially approved final version.

Natasha Johnson
Assistant Commissioner

