



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 13553-19 L.H.

AGENCY DKT. NO. C161041011 (MERCER 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 she had sufficient income to pay her rent, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 1, 2019, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 2, 2019, the ALJ issued an Initial Decision affirming the Agency's determination. Here, the record reflects that Petitioner had sufficient funds to pay her rent, but had failed to do so, resulting in an eviction from her apartment. See Initial Decision at 2-3; see also Exhibit R-7. Petitioner claimed that she did not pay her rent because her apartment was infested with mice. See Initial Decision at 2-3; see also Exhibit R-6. Of note, the record indicates that Petitioner's landlord had the property exterminated for rodents on July 5, 2019, however, Petitioner claimed that this did not solve the problem. See Initial Decision at 2-3; see also Exhibit R-6. The ALJ found that although Petitioner may have had legitimate grounds underpinning her nonpayment of rent, it was undisputed that she had voluntarily failed to pay her rent, without good cause shown, and that said failure led to her eviction. See Initial Decision at 4; see also Exhibit R-7. Further, the ALJ found that Petitioner had failed to use her withheld rental funds towards securing alternate housing. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that Petitioner's homelessness was not due to circumstances beyond her control, and that she had the capacity to plan in advance to avoid her homelessness. *Id.* at 5. Accordingly, the ALJ affirmed the Agency's denial of EA benefits to Petitioner. *Ibid.*; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). I agree.

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 comment, because Petitioner has caused her own homelessness, without good cause, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from September 26, 2019, the effective date of the Agency's denial, through March 25, 2020. See Exhibit R-1.

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

Officially approved final version.

OCT - 8 2019

Natasha Johnson
Assistant Commissioner

