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DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON Commissioner

SHEILA Y. OLIVER Lt. Governor 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 14382-19 M.C.

AGENCY DKT. NO. C245531007 (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 she had sufficient income to pay her rent, and the capacity to plan to avoid her emergency, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 17, 2019, but was adjourned. On October 21, 2019, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 22, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had sufficient income to pay her rent, but failed to do so, that she had other sources of support available to help pay her rent, but failed to pursue such support, and that she had used her funds on unnecessary items, rather than to pay her rent. See Initial Decision at 2-4, 6; see also Exhibits P-1 at 7, 13, and R-1 at 7-13. Consequently, Petitioner was evicted from her apartment for non-payment of rent. See Initial Decision at 3; see also Exhibits P-1 at 6-9, 12, 14, and R-1 at 5-6. Based on the foregoing, the ALJ found that Petitioner had the capacity to avoid her homelessness, but failed to do so, and therefore, concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5-6; see also Exhibit R-1 at 19-23, and N.J.A.C. 10:90-6.1(c) (3)(v). 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 I concur with the ALJ's conclusion that Petitioner had sufficient income and the capacity to plan to avoid her homelessness, but failed to do so, I find that Petitioner caused her own homelessness. See Initial Decision at 6. Accordingly, I hereby impose upon Petitioner a sixmonth period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from September 23, 2019, the date of the Agency's denial, through March 22, 2020. See Exhibit R-1 at 199-23.



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

Officially approved final version.	7	9	ÜŊ
Natasha Johnson	 •		
Assistant Commissioner			