



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
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 10461-19 N.K.

AGENCY DKT. NO. C751216007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had the capacity 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. On August 2, 2019, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 2, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has been receiving Work First New Jersey/General Assistance ("WFNJ/GA") benefits continuously since October 2018. See Initial Decision at 2; see also GAAS Payment History. The record also reflects that Petitioner had been residing with his niece for a year and had been expected to pay her \$80 per month toward household expenses. See Initial Decision at 2; see also "Application for Emergency Assistance." Petitioner admittedly refused to contribute any monies toward the household expenses, and as a result, he was evicted from his niece's home. See Initial Decision at 2; see also "Order for Possession." The ALJ found that Petitioner had sufficient funds from his monthly WFNJ/GA benefits to contribute \$80 per month toward the housing costs, but had refused to make such contribution, which action directly resulted in his current situation. See Initial Decision at 2. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 3; see also "Notification Form," 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 I concur with the ALJ, that Petitioner's actions caused his own homelessness, I find that the Agency's imposition of a six-month EA ineligibility penalty was proper and must stand. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(3)(v), (vi). Petitioner's six-month



EA ineligibility penalty shall run from July 22, 2019, the effective date of the Agency's denial, through January 21, 2020. See "Notification Form."

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

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

Officially approved final version.

AUG - 8 2019

Natasha Johnson

Director

