



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 08613-19 P.F.

AGENCY DKT. NO. C140817015 (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 June 27, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 28, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had known since December 2018, that he had six months from the date of his father's death in November 2018, to move out of his deceased father's home because it was being sold pursuant to the terms of his father's Will. See Initial Decision at 2-3, 5; see also Exhibits R-3, R-4, R-6 and R-10, 10(a), 10(b). Further, the ALJ found that Petitioner did not provide any documentation to establish that his emergency was due to circumstances beyond his control, and that he had the capacity to plan for alternative housing, but failed to do so. See Initial Decision at 7; see also N.J.A.C. 10:90-6.1(c)(1)(i). The ALJ also found that Petitioner did not claim, or demonstrate, that available funds were exhausted on items deemed appropriate, necessary, or reasonable for decent living, or that he lacked the functional capacity that would prevent him from planning for substitute housing. See Initial Decision at 4, 7; see also Exhibit R-9 at 2, 4-6, 8, and N.J.A.C. 10:90-6.1(c)(1)(ii), (iii). Moreover, the ALJ found that Petitioner is not homeless or imminently homeless, as he has not been evicted from the home, nor have eviction proceedings been initiated against him. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). Based on the foregoing, the ALJ concluded that Petitioner is ineligible for EA benefits, and that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 7-8; see also Exhibit R-1. 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, Petitioner is advised that he may reapply for EA benefits once eviction proceedings have been initiated against him. See N.J.A.C. 10:90-6.1(c). Petitioner is further advised that he must provide the Agency with all required documentation needed to evaluate his eligibility for EA benefits, including documentation demonstrating that an eviction is pending or has occurred. See N.J.A.C. 10:90-2.2(a)(5), -6.3(a)(1)(ii).

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

Officially approved final version.

JUL - 3 2019

Natasha Johnson

Director

