



State of New Jersey

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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 01545-19 V.D.

AGENCY DKT. NO. C521441002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("EA/TRA") and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA/TRA benefits, and imposed a six-month EA ineligibility penalty, contending that she refused shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2019, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 6, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

On February 8, 2019, Exceptions to the Initial Decision were filed by Legal Services on behalf of Petitioner.

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 MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, as discussed below.

Here, the record reflects that Petitioner moved into her apartment on September 1, 2018, and that she was working at the time. See Initial Decision at 2; see also Exhibits R-7, R-17. Petitioner has not paid her rent from November 2018, to the present, she voluntarily quit her employment in December 2018, due to pregnancy, and is now facing eviction. See Initial Decision at 2; see also Exhibits P-1, R-8, R-9, and R-15. Based on Petitioner's employment income at the time, the ALJ found that she had moved into an apartment that was unaffordable. See Initial Decision at 3; see also Exhibits R-16, R-17. Moreover, the ALJ found that Petitioner had reported conflicting monthly income to her landlord and the Agency. See Initial Decision at 3; see also Exhibits R-7, R-11. Further, the ALJ found Petitioner's claim that her apartment would become affordable once she gives birth to her child, returns to her job, and gets a raise in pay, was purely speculative. See Initial Decision at 3-4. The record also reflects that on two occasions the Agency offered Petitioner placement in a family shelter where she would have her own apartment, in a secured facility, and with a private living area, kitchen, and bathroom. Ibid. However, Petitioner refused such placement. Ibid. Based on the foregoing, the ALJ concluded that Petitioner had caused her own homelessness, without good cause, and that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty were proper and must stand. See Initial Decision at 4-5; see also Exhibit R-6, and N.J.A.C. 10:90-6.1(c)(3).

I agree that Petitioner caused her own homelessness by refusing shelter placement. However, based on her particular circumstances, I direct the Agency to again offer Petitioner shelter placement. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(i)(1). Petitioner is hereby advised that if she refuses said shelter placement this final time, then the Agency's January 3, 2019, denial of EA benefits, and its imposition of a six-month EA ineligibility penalty, shall stand. See N.J.A.C.



10:90-6.1(c)(3). If Petitioner now accepts said shelter placement, then she shall not be subject to a six-month EA ineligibility penalty. The Initial Decision and the Agency's determination are modified to reflect this finding.

By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version.

**FEB 13 2019**

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Natasha Johnson

Director

