



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

TRENTON, NJ 08625-0716

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 **06938-24 L.M.**

AGENCY DKT. NO. **C057735017 (SALEM COUNTY BOARD OF SOC. SVCS.)**

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 she was terminated from subsidized housing for non-payment of rent, thereby causing her own homelessness, and failed to provide proof of how her funds were spent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 28, 2024 the Honorable Kathleen M. Calememo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 29, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-6. Specifically, the ALJ found that Petitioner had resided in subsidized housing, and had been evicted from said housing for failure to pay her rent, as substantiated by eviction court trial records, and Order for possession. See Initial Decision at 2, 5-6; see also Exhibit R-1 at 15-24, 26-29, 45-47, 56-58. Moreover, the record reflects that Petitioner had funds of \$3,000 which may have been used toward the payment of her rent/back rent, but that she failed to use such funds to pay her rent. See Initial Decision at 2-4; see also Exhibit R-1 at 12-14, 51-55. Petitioner claimed that the eviction court ruling was incorrect, however, the ALJ found that the issue regarding the non-payment of rent was decided in the appropriate forum, and that this is not the proper forum for Petitioner to relitigate her issues with her landlord and how her rent was applied or misapplied. See Initial Decision at 5-6; see also Exhibit R-1 45-47, 56-58. Based on the evidence and testimony presented, the ALJ concluded that Petitioner had caused her own homelessness, had not demonstrated good cause for her failure to pay rent when due, and accordingly, concluded that the Agency's May 16, 2024, denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6; see also Exhibit R-1 at 4-8, and N.J.A.C. 10:90-6.1(c)(3)(ii). I agree. Additionally, because I concur with the ALJ's finding that Petitioner caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits from May 15, 2024, the effective date of the Agency's denial, through November 15, 2024. See Initial Decision at 5-6; see also Exhibit R-1 at 4-8, and N.J.A.C. 10:90-6.1(c)(3)(ii).

Exceptions to the Initial Decision were filed by Petitioner on May 31, and June 3, 2024.

As Assistant Commissioner, 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, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Moreover, Petitioner included documents with her Exceptions which were not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

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

Officially approved final version. June 05, 2024

Natasha Johnson
Assistant Commissioner

