



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
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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 08799-18 A.K.

AGENCY DKT. NO. C068876002 (BERGEN COUNTY BD. 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, as well as a reduction of his monthly Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had sufficient income to pay his rent, 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 June 21, 2018, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 22, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has monthly income in the amount of \$801.25, and that his monthly subsidized rent was \$145. See Initial Decision at 2; see also Exhibit R-1 at 3, 6. However, Petitioner failed to pay his rent for a full year, which resulted in his eviction from subsidized housing on April 25, 2018. See Initial Decision at 2; see also Exhibit R-1 at 11-22. Two days prior to Petitioner's eviction he applied for EA benefits in the form of retroactive rent. See Initial Decision at 2. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, on the basis that Petitioner had caused his own homelessness by failing to pay his rent when he had sufficient income to do so. *Id.* at 2-3; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.1(c)(3). Based on the foregoing, the ALJ concluded that Petitioner caused his 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 3-4; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.1(c)(3). 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, 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.

By way of further comment, the transmittal in this matter indicates that Petitioner also appealed a reduction in the amount of his monthly SNAP benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a reduction of SNAP benefits, he may request another fair hearing on that issue alone.



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

Officially approved final version.

JUN 28 2018

Natasha Johnson

Director

