



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 09516-18 K.P.

AGENCY DKT. NO. S615716012 (MIDDLESEX 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. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 10, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 11, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has paid rent on a month-to-month basis at a motor lodge, at the rate of \$1,500 per month since December 2017. See Initial Decision at 2; see also Exhibit R-6. Petitioner is unemployed, has no monthly income, and had been living off of her accumulated savings. See Initial Decision at 2-3; see also Exhibit R-2 at 3. In May 2018, before paying the \$1,500 rent for the month, Petitioner was asked to leave the motor lodge, and received a \$3,500 cash settlement upon vacating the premises. See Initial Decision at 2-3; see also Exhibit R-5. After leaving the motor lodge in May 2018, Petitioner moved into another motel and had been paying for her motel expenses using the funds from her \$3,500 cash settlement and the \$1,500 monthly rent for May, which she did not have to pay. See Initial Decision at 3; see also Exhibit R-6. The ALJ found that Petitioner had at least \$5,000 on hand in May 2018. See Initial Decision at 4-5. Petitioner acknowledged that she had been running out of money to continue her stay at the motor lodge before being asked to leave, and that she would have been unable to continue to afford her stay there due to her diminishing personal savings. *Id.* at 3-4. The ALJ further found that despite the \$5,000 Petitioner had on hand in May 2018, and Petitioner's acknowledgement that she would soon run out of money, she took no tangible steps to secure affordable housing, thereby causing her own homelessness. *Id.* at 5; see also N.J.A.C. 10:90-6.1(c). The ALJ further determined that Petitioner had significant time available to secure appropriate housing in anticipation of her pending homelessness. See Initial Decision at 5; see also Exhibit R-2. Based on the foregoing, the ALJ affirmed the Agency's decision to deny Petitioner EA benefits, concluding that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness, without good cause. See Initial Decision at 5; see also Exhibit R-1 at 1, and N.J.A.C. 10:90-6.1(c) (3). The ALJ further concluded that the Agency's imposition of a six-month EA ineligibility penalty was proper and must stand. *Ibid.* I agree.

Exceptions to the Initial Decision were filed by Petitioner on July 12, 2018.



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's six-month EA ineligibility penalty shall begin to run from June 20, 2018, the date of the Agency's denial of EA benefits through December 20, 2018. See Exhibit R-1; see also N.J.A.C. 10:90-6.1(c)(3).

By way of further 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.

Also, by way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

JUL 19 2018

Natasha Johnson
Director

