



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 06917-18 V.T.

AGENCY DKT. NO. C267268009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent and utilities, 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 Petitioner had sufficient income to pay her rent and utilities, and the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. On May 16, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 17, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits in the form of back rent and utilities for the months of January 2018, through May 2018. See Initial Decision at 2. The record further indicates that for the period beginning January 2018, through May 2018, Petitioner received \$7,500 in Supplemental Security Income ("SSI") benefits, \$805 in Work First New Jersey/ Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and \$5,959 in the form of a federal income tax refund, for a combined total of \$14,264. See Initial Decision at 3; see also Exhibit R-3. Petitioner's rent and utilities for the same period of January 2018, through May 2018, totaled \$9,458. *Ibid.* Moreover, the record indicates that Petitioner is due a state income tax refund of \$4,035. See Initial Decision at 2; see also Exhibit R-6. Petitioner testified that "she squandered her assets," and conceded further that if she had not done so, she would have been able to pay the rent. See Initial Decision at 2.

Based on the foregoing, the ALJ found that, had Petitioner paid all the rent and utilities for the period beginning January 2018, through May 2018, using the income received for that same time period, she would still have had \$4,806 in remaining funds for herself and family. *Id.* at 3. Additionally, the ALJ found that there was sufficient household income to pay the rent, and that Petitioner voluntarily chose to spend her excess income during the months the rent accrued, thereby creating her own emergency. *Id.* at 4; see also N.J.A.C. 10-90-6.1(c)(3)(v). Accordingly, the ALJ concluded that the Agency properly denied Petitioner EA benefits, and the Agency's denial should be affirmed. See Initial Decision at 4; see also Exhibit R-1. I agree.

Additionally, because I agree with the ALJ's conclusion that Petitioner had the capacity to plan to avoid her emergency, but failed to do so, I also find that she has caused her own homelessness. See Initial Decision at 4; see also N.J.A.C. 10-90-6.1(c)(3)(v). As such, I hereby affirm the six-month period of ineligibility for EA benefits, imposed by the Agency, beginning May 11, 2018, the effective date of the Agency's denial, through November 10, 2018. See Exhibit R-1; see also N.J.A.C. 10-90-6.1(c)(3).

No Exceptions to the Initial Decision were received.



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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 her current needs, including Social Services for the Homeless.

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

Officially approved final version.

MAY 24 2018

Natasha Johnson

Director

