



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
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 13523-19 A.W.

AGENCY DKT. NO. C400659007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had sufficient income to pay her rent, 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 September 30, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 1, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

In order to be eligible for EA benefits, the assistance unit must be "in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan[.]" See N.J.A.C. 10:90-6.1(c). The lack of a realistic capacity to plan exists when the assistance unit can demonstrate that available funds were "exhausted on items deemed appropriate, necessary, or reasonable for decent living and such expenditures were made as a result of a significant occurrence or situation, or from meeting the expenses of daily living." See N.J.A.C. 10:90-6.1(c)(1)(ii). These expenses must be documented in the case record. *Ibid*.

Here, the record reflects that Petitioner, a Supplemental Security Income ("SSI") benefits recipient, applied for EA benefits on September 25, 2019, in the form of Temporary Rental Assistance for the payment of back rent of \$850 per month, in arrears since June of 2019. See Initial Decision at 2; see also Exhibit R-1. Of note, in July of 2019, Petitioner's landlord had commenced eviction proceedings. See Initial Decision at 2; see also Exhibit P-1. The Agency denied Petitioner's application for EA benefits, finding that Petitioner had the funds and capacity to pay her rent but had failed to do so, thereby causing her own homelessness. See Initial Decision at 2-3; see also Exhibit R-2. The ALJ found that



Petitioner received a monthly income of \$802 from SSI benefits, \$300 per month in child support, and was employed at a salary of \$13.50 per hour for 40 hours of work per week between April 2018 and August 2018. See Initial Decision at 3; see also Exhibit P-1. The ALJ further found that Petitioner received Unemployment Insurance Benefits of \$298 per week from September/October 2018 through March 2019. See Initial Decision at 3. While Petitioner testified that she had incurred utility bills, the ALJ found that from April 2018 through July 2019, her household income was in excess of \$3000 per month, and her fixed monthly expenditures were less than \$1500 per month. See Initial Decision at 4-5. Also, the ALJ found that, while Petitioner testified to further expenditures, such as food and medical costs, she had not presented evidence of such. See Initial Decision at 5. Based on the foregoing, the ALJ agreed with the Agency that Petitioner had sufficient income to pay her rent but failed to do so, thereby causing her own homelessness. See Initial Decision at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3)(v). I agree.

Moreover, because I agree with the ALJ that the Agency properly denied Petitioner's EA benefits application, and that Petitioner caused her own homelessness, without good cause, I hereby impose upon Petitioner a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from September 25, 2019, the effective date of the denial of EA benefits by the Agency, through March 24, 2020. See Exhibit R-2.

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 action is AFFIRMED.

Officially approved final version.

OCT - 7 2019

Natasha Johnson

Assistant Commissioner





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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 13553-19 L.H.

AGENCY DKT. NO. C161041011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had sufficient income to pay her rent, 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 October 1, 2019, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 2, 2019, the ALJ issued an Initial Decision affirming the Agency's determination. Here, the record reflects that Petitioner had sufficient funds to pay her rent, but had failed to do so, resulting in an eviction from her apartment. See Initial Decision at 2-3; see also Exhibit R-7. Petitioner claimed that she did not pay her rent because her apartment was infested with mice. See Initial Decision at 2-3; see also Exhibit R-6. Of note, the record indicates that Petitioner's landlord had the property exterminated for rodents on July 5, 2019, however, Petitioner claimed that this did not solve the problem. See Initial Decision at 2-3; see also Exhibit R-6. The ALJ found that although Petitioner may have had legitimate grounds underpinning her nonpayment of rent, it was undisputed that she had voluntarily failed to pay her rent, without good cause shown, and that said failure led to her eviction. See Initial Decision at 4; see also Exhibit R-7. Further, the ALJ found that Petitioner had failed to use her withheld rental funds towards securing alternate housing. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that Petitioner's homelessness was not due to circumstances beyond her control, and that she had the capacity to plan in advance to avoid her homelessness. *Id.* at 5. Accordingly, the ALJ affirmed the Agency's denial of EA benefits to Petitioner. *Ibid.*; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). 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, because Petitioner has caused her own homelessness, without good cause, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from September 26, 2019, the effective date of the Agency's denial, through March 25, 2020. See Exhibit R-1.

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

Officially approved final version.

OCT - 8 2019

Natasha Johnson

Assistant Commissioner

