



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 06609-19 D.F.

AGENCY DKT. NO. C751775007 (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 the capacity to plan to avoid her emergency, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 29, 2019, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 31, 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). Additionally, EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

Here, the record reflects that Petitioner and her child moved to New Jersey ("NJ") through a New York City ("NYC") housing program called "Special One Time Assistance" ("SOTA"), which is a program that pays an individual's rent for a certain period of time upon relocating to another state. See Initial Decision at 2-3; see also Exhibits R-5, R-7, R-8. SOTA paid Petitioner's monthly rent for a full year, from April 1, 2018, through March 2019. See Initial Decision at 3; see also Exhibit R-4. At the time Petitioner moved to NJ, she had full-time employment in Queens, NY. See Initial Decision at 2. However, shortly after moving to NJ, Petitioner voluntarily quit her employment in NY, without the promise of other employment, because the commute was too difficult. See Initial Decision at 3.

The record further reflects that after the SOTA year ended, Petitioner applied for EA benefits in the form of Temporary Rental Assistance ("TRA") as she had not worked in over a year and could not afford to pay her rent. *Id.* at 4; see also Exhibit R-3. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her emergency, but failed to do so. See Initial Decision at 4; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). The ALJ agreed, finding that Petitioner had been living in NJ for a year, rent free, and that she was aware that she would be responsible for paying her rent starting April 2019, yet she quit her full-time job without alternate full-time employment.

See Initial Decision at 4-5. Further, the ALJ found that Petitioner "could have, and should have, investigated available transportation for her commute [to work] prior to moving [to NJ]." *Id.* at 3-4. Based on the foregoing, the ALJ concluded that Petitioner had moved to NJ without a plan, thereby causing her own homelessness, and that the Agency's denial



of EA benefits to Petitioner was proper and must stand. Id. at 4-5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3). I agree.

By way of comment, because I concur with the ALJ's conclusion that Petitioner caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from April 22, 2019, the effective date of the Agency's denial, through October 21, 2019. See Exhibit R-2.

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.

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

Officially approved final version.

JUN 21 2019

Natasha Johnson

Director

