



State of New Jersey

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Governor

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 03362-19 D.L.

AGENCY DKT. NO. S507100012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he abandoned affordable housing, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2019, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on March 12, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on March 14, 2019.

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, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control, or the absence of a realistic capacity to plan to avoid their emergent situation. 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." N.J.A.C. 10:90-6.1(c)(3).

In January 2019, the Agency placed Petitioner in an affordable rooming house, and provided him with EA benefits in the form of a security deposit. See Initial Decision at 2; see also Exhibits I, J, O, P. The record reflects that shortly thereafter, sometime in February 2019, Petitioner moved out of that rooming house, and on March 7, 2019, he applied for EA benefits requesting another security deposit for a different rooming house. See Initial Decision at 2-3; see also Exhibits A, B. Consequently, the Agency denied Petitioner's application for EA benefits, contending that he had caused his own homelessness. See Initial Decision at 2; see also Exhibit C. Petitioner testified that he left the rooming house because it was infested with mice and bugs; however, the ALJ found that Petitioner had failed to provide any documentation to substantiate his claim. See Initial Decision at 3. Moreover, the Agency provided a "Rooming House Incident Form," wherein an Agency investigator reported that there was no evidence of infestation present in Petitioner's room, but regardless, the landlord had the entire building exterminated. See Exhibit B. Based on the foregoing, the ALJ found that Petitioner had caused his own homelessness when he voluntarily abandoned his housing. See Initial Decision at 4. I concur with the ALJ's conclusion that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(3)(vi). Furthermore, because Petitioner has caused his own homelessness, I hereby impose upon him a six-month period of ineligibility for EA benefits, beginning March 7, 2019, the date of the Agency's denial, through September 6, 2019. See Exhibit C; see also N.J.A.C. 10:90-6.1(c)(3).



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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, 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 action is AFFIRMED.

Officially approved final version.

Natasha Johnson

Director

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