



## State of New Jersey

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TRENTON, NJ 08625-0716

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*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 12918-19 D.R.

AGENCY DKT. NO. C034069003 (BURLINGTON 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 she had the capacity to plan to avoid her emergency, but failed to do so, and that she had failed to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 19, 2019, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 19, 2019, the ALJ issued an Initial Decision, affirming in part, and reversing in part, 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 in part, and REVERSE in part, the Agency's determination, based on the discussion below.

Here, the Agency denied Petitioner EA benefits on the basis that she moved from Florida ("FL") to New Jersey ("NJ") without a plan for permanent housing, and that she had the capacity to plan to avoid her homelessness, but failed to do so. See Initial Decision at 4; see also Exhibit R-6, and N.J.A.C. 10:90-6.1(c). The ALJ found that Petitioner had resided independently in FL for nine years, where she was able to afford her housing and other expenses without difficulty, and that she had moved into a friend's apartment in NJ, wanting to be closer to friends and family, knowing that she could only reside with her friend for one month. See Initial Decision at 4-5; see also Exhibits R-4, R-5. Further, Petitioner admitted that her current homelessness was a direct result of her failure to plan. 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, but failed to do so. *Id.* at 5. Accordingly, the ALJ further concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Ibid.*; see also Exhibit R-6, and N.J.A.C. 10:90-6.1(c). I agree.

The Agency also denied Petitioner EA benefits on the basis that she failed to provide requested documentation regarding how she spent her Supplemental Security Income ("SSI") benefits during the



time leading up to her current pending homelessness. See Initial Decision at 4; see also Exhibit R-6, and N.J.A.C. 10:90-6.1(c)(1)(ii). Petitioner claimed that the Agency had not requested documentation on how she had spent her SSI benefits, and that she would have provided same if asked. See Initial Decision at 4. The ALJ found that the Agency had failed to provide any evidence that it had specifically requested any such documentation from Petitioner. Ibid. Further, the ALJ found that the Agency had denied Petitioner EA benefits on the same date that she had applied for said benefits, without an opportunity to first provide any additional documentation. Ibid. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner for failure to provide documentation was improper and must be reversed. Id. at 4-5; see also Exhibit R-6. I also agree.

By way of comment, because I agree with the ALJ's conclusion that Petitioner had the capacity to plan to avoid her homelessness, but failed to do so, I find that Petitioner has caused her own homelessness, and as such, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from September 6, 2019, the date of the Agency's denial, through March 5, 2020. See Exhibit R-6.

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 action is AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version.

SEP 24 2019

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Natasha Johnson  
Director

