



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
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 00410-19 K.V.

AGENCY DKT. NO. S523765012 (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 she had sufficient income to pay her rent, but failed to do so, and that her income exceeds her current housing costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 15, 2019, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on January 15, 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 recipient must demonstrate that his/her shelter costs equal or exceed the total income available to the assistance unit. N.J.A.C. 10:90-6.1(a)(1). Further, as part of the determination of EA eligibility, the agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2).

Additionally, 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).

Here, the ALJ found that Petitioner had sufficient income to pay her rent, but failed to do so, thereby resulting in an eviction from her apartment. See Initial Decision at 2-3; see also Exhibits R-E, R-F, R-G, R-H, R-I. Petitioner failed to provide any documentation to substantiate that her income was spent on other items deemed necessary or reasonable for decent living, but rather, admitted that she withheld



\$5,000 in rent from her landlord, without explanation. See Initial Decision at 3; see also Exhibit R-K, and N.J.A.C. 10:90-6.1(c)(1)(ii). The record also reflects that Petitioner is currently residing in a motel at the rate of \$400 per week, and that her total household income exceeds her shelter costs. See Initial Decision at 2-3; see also Exhibits R-G, R-H, R-I, and N.J.A.C. 10:90-6.1(a)(1), -6.1(c)(2). Based on the foregoing, the ALJ concluded that Petitioner is ineligible for EA benefits, and that the Agency's denial of said benefits to Petitioner was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-L. I agree.

By way of comment, because I concur with the ALJ's conclusion that Petitioner had sufficient income to pay her rent, but failed to do so, I find that Petitioner has caused her own homelessness, without good cause, and therefore, I hereby impose upon her a six-month period of ineligibility for EA benefits, beginning January 7, 2019, the date of the Agency's EA benefits denial, through July 6, 2019. See Initial Decision at 3; see also Exhibit R-L, and N.J.A.C. 10:90-6.1(c)(3)(v).

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

Officially approved final version.

JAN 22 2019

Natasha Johnson
Director

