



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 01705-19 L.C.

AGENCY DKT. NO. S416831010 (HUNTERDON 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 caused her own homelessness by being evicted from Section 8 housing, and by then being evicted from subsidized housing, thereafter. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 7, 2019, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 8, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner's household consists of herself, her husband, her adult son, and her minor daughter. See Initial Decision at 2. The ALJ found that Petitioner had caused her own homelessness when she was terminated from the Section 8 Rental Assistance Program for failing to comply with program requirements, for nonpayment of utilities, and for fraud; and when she was evicted from another agency's subsidized apartment for violating the terms of her lease. *Id.* at 2-4; see also Exhibits P-6, R-1, R-4. Although Petitioner claimed that she was unable to comply with the various housing rules and requirements due to her medical issues, the ALJ found that the documentation that Petitioner had provided did not indicate that her medical issues prevented her, her husband, or her adult son, from complying with said rules and requirements. See Initial Decision at 5, 7; see also Exhibits P-8, P-9. The ALJ also found that Petitioner was not credible when she testified that she was unaware that cashing several refund checks from a closed subsidized utility account was fraud. See Initial Decision at 6, 8; see also Exhibit R-3. Of note, Petitioner appealed the termination of her Section 8 housing voucher, and said termination, as well as all violations asserted, were upheld by the Administrator of the Hunterdon County Department of Human Services pursuant to an informal hearing. See Initial Decision at 3-5; see also Exhibit R-2. Based on the testimony and evidence presented, the ALJ concluded that Petitioner had caused her own homelessness, without good cause, and that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 8-11; see also Exhibit J-1, and N.J.A.C. 10:90-6.1(c)(3)(vi). 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 I concur with the ALJ's conclusion that Petitioner caused her own homelessness, without good cause, I hereby impose upon her a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3). Petitioner's EA ineligibility penalty shall run from January 22, 2019, the date of the Agency's denial, through July 21, 2019. See Exhibit J-1.



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

FEB 14 2019

Officially approved final version.

Natasha Johnson

Director

