



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **05952-20 E.M.**

AGENCY DKT. NO. **C066755015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner EA benefits, contending that his homelessness was not due to circumstances beyond his control, and terminated Petitioner's SNAP benefits, contending that he had failed to provide information required to recertify his eligibility for SNAP benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 2, 2020, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On that same date, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had been living with his girlfriend in her Section 8 housing for six years, without the permission of the landlord. See Initial Decision at 2-3. Petitioner contends that his now ex-girlfriend advised him that she was moving out and that he needed to leave the apartment within three weeks. Ibid. Petitioner also contended that the landlord had also advised him that he was not permitted to continue to reside in the apartment. Id. at 3. Petitioner also claimed that he was unaware that he was not permitted to reside in his ex-girlfriend's Section 8 housing, or how much the actual rent was. Ibid. The record further reflects that the rent was paid through July 1, 2020, that Petitioner applied for EA benefits on June 12, 2020, that he moved out of the apartment on June 30, 2020, and has been living in his car since then. Ibid.; see also EA Exhibit R-2. The ALJ found that Petitioner had not provided any evidence of eviction from said Section 8 housing, or that he had discussed with the landlord the actual cost of the rent, or the possibility of him continuing to reside there. See Initial Decision at 4-5. The ALJ further found that Petitioner had not provided any evidence that he had searched for other housing during the three weeks' notice provided. Ibid. Based on the foregoing, the ALJ concluded that Petitioner had not proven that his homelessness was due to circumstances beyond his control, and therefore, concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. Id. at 5; see also EA Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1)(i). I agree. Additionally, the Agency indicated that it would not be imposing a six-month period of ineligibility for EA benefits, and accordingly, the ALJ concluded that Petitioner is not subject to a six-month EA ineligibility penalty. See Initial Decision at 5. I also agree.



Additionally, the record reflects that Petitioner had applied for an expedited recertification of his SNAP benefits, and was required to provide the Agency with certain eligibility verifications. See Initial Decision at 3-4; see also SNAP Exhibits R-1, R-2. The ALJ found that Petitioner had failed to provide the required recertification documents in a timely manner. See Initial Decision at 5. Although Petitioner claimed that he had not received a verification for documents, believing that his ex-girlfriend had intercepted/ and or disposed of his mail, the ALJ found that Petitioner had not provided any evidence to substantiate that claim. Ibid. Moreover, Petitioner had acknowledged receiving his SNAP benefits card in the mail. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's SNAP benefits was proper and must stand. Id. at 6; see also SNAP Exhibit R-3, and N.J.A.C. 10:87-2.20, -2.22(c), -2.30(a)(3). I agree. The record further indicates that Petitioner was advised by the Agency that he could submit a new application for continued SNAP benefits. See Initial Decision at 4.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, as no six-month EA ineligibility penalty has been imposed upon Petitioner, and as Petitioner has been advised by the Agency that he may reapply for both EA and SNAP benefits, Petitioner may reapply for said benefits, if he has not already done so. Id. at 4-5. Petitioner is further advised that should he be denied EA and/or SNAP benefits, that he may request another fair hearing on those denials.

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

Officially approved final version.

JUL 21 2020

Natasha Johnson

Assistant Commissioner

