



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
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 03454-20 M.L.

AGENCY DKT. NO. C167646015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA benefits, contending that she did not have an emergent situation beyond her control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 16, 2020, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on March 16, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, as discussed below.

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 record reflects that, from August 2019, until sometime in November 2019, Petitioner resided in transitional housing. See Initial Decision at 2. The record further indicates that, at some point in November 2019, Petitioner was evicted from that transitional housing due to an altercation which occurred with another resident. Ibid. The transitional housing management believed that Petitioner had instigated the altercation, and Petitioner, during her testimony at the hearing, acknowledged that it was a serious argument, compounded by her continued carrying on in an agitated state, and therefore, Petitioner understands why she was asked to leave. Ibid. Thereafter, Petitioner stayed a motel, using her savings to pay for same, then rented a room in a private home. Id. at 3. Petitioner had worked at a fast food restaurant, but upon moving to the private home, had ceased working because she could no longer walk to work, and while she knew there was public transportation available, she acknowledged that she did not investigate if she could use that public transportation to get to her job. Id. at 3, 5. After receiving a paycheck from the fast food restaurant, Petitioner used the funds to pay for food and to take buses to Atlantic City, and to Newark, to meet friends. Id. at 3, 4. Petitioner also testified that she spent her money freely, thinking she would find new employment, but that has not been the case. Id. at 3. On March 2, 2020, Petitioner, and her boyfriend, J.L., applied together for EA benefits. Id. at 2; see also Exhibit R-2.

On the same date, the Agency denied the couple's request for EA benefits, on the basis that there was no emergency beyond their control. See Exhibit R-1. The ALJ in this matter found that the foregoing facts supported the Agency's determination that Petitioner had the capacity to plan to avoid her current emergent situation, but she failed to do so, and therefore, Petitioner was ineligible for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(1). I agree,



and furthermore find that Petitioner has caused her own homelessness, without good cause. See N.J.A.C. 10:90-6.1(c)(3). The Initial Decision is hereby modified to include this finding.

By way of comment, because I find that Petitioner caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits, beginning March 2, 2020, the date of the Agency's denial of EA benefits, through September 1, 2020. See Exhibit R-1 at 2; see also N.J.A.C. 10:90-6.1(c)(3).

By way of further comment, while the ALJ opined that the transmittal in this case only identified Petitioner, and not her boyfriend J.L., the record indicates that Petitioner and her boyfriend are on the same Work First New Jersey/General Assistance ("WFNJ/GA") case, and as such, are part of the same assistance unit and therefore subject to the same EA denial. See Exhibits R-1, R-5; see also N.J.A.C. 10:90-2.7(b)(1)(iii). It is unclear from the record, however, if Petitioner and J.L. are still a couple, thereby constituting one assistance unit. See N.J.A.C. 10:90-2.7(b)(1)(iii). However, as J.L. did not appear for the present fair hearing, he may request a fair hearing as to the March 2, 2020, EA denial. Additionally, in the event that Petitioner and J.L. are no longer a couple, and therefore not one assistance unit, J.L. may apply for WFNJ/GA benefits for himself alone, as an assistance unit of one person. See N.J.A.C. 10:90-2.7(b)(1)(i).

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

MAR 20 2020

Natasha Johnson
Assistant Commissioner

