



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 08650-20 S.K.

AGENCY DKT. NO. C067808003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") for back-rent and utilities. Petitioner also appealed the Respondent Agency's termination of EA benefits in the form of a motel placement, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA/TRA benefits, contending that she failed to provide documentation required to determine eligibility for said benefits. The Agency terminated Petitioner's EA benefits and imposed a six-month EA ineligibility penalty, contending that she had abandoned her motel placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 22, 2020, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 23, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner sought EA benefits, in the form of TRA for back rent and utility reimbursement. See Initial Decision at 2; see also R-1 at Exhibit 2. However, the Agency denied Petitioner such EA/TRA benefits because she had failed to provide a copy of her lease or utility bills, required to determine EA/TRA benefits eligibility. See Initial Decision at 4; see also R-1 at Exhibit 1. The record also reflects that Petitioner could not provide such documentation because she was actually squalling in an abandoned building that was in foreclosure, and therefore had no lease or utility bills. See Initial Decision at 3-4; see also R-1 at Exhibit 5. Based on the foregoing, the ALJ concluded that the Agency's denial of EA/TRA benefits to Petitioner was proper and must stand. See Initial Decision at 6; see also R-1 at Exhibit 1. I agree.

Thereafter, the Agency provided Petitioner with EA benefits in the form of a motel placement. See Initial Decision at 3. Petitioner was asked to leave that motel placement due to certain disruptive behavior by her adult daughter. *Id.* at 3-4. Subsequently, the Agency had secured another motel placement for Petitioner, and on August 11, 2020, advised Petitioner that she would be moving into that motel, on that day. *Ibid.* However, Petitioner failed to move into that placement, thereby abandoning Agency offered housing, and consequently, causing her own homelessness. *Id.* at 4-5; see also R-1 at Exhibit 6. Consequently, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA



ineligibility penalty upon Petitioner, on the basis that she had caused her own homelessness, without good cause. See Initial Decision at 4-5; see also R-1 at Exhibit 1, and N.J.A.C. 10:9-6.1(c)(3), and Division of Family Development ("DFD") Instruction No. 20-07-03. Although Petitioner claimed that she was unaware that the Agency had offered her said alternative motel placement, the ALJ found that she had testified falsely about not being aware of the transfer to another motel on August 11, 2020, and that her claim was not substantiated by any credible evidence. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 5-6; see also R-1 at Exhibit 1, and N.J.A.C. 10:90-6.1(c)(3). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, DFD, 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.

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

Officially approved final version.

OCT - 1 2020

Natasha Johnson

Assistant Commissioner

