



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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*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 17648-24 J.M.

AGENCY DKT. NO. C059619005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had sufficient funds, and the capacity to plan to avoid his emergent situation, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 20, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On December 23, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits on November 13, 2024. See Initial Decision at 2; see also Exhibit R-1 at 25-45. The ALJ found, Petitioner acknowledged, and the record substantiates, that in September 2024, Petitioner had received an inheritance from his mother's estate in excess of \$50,000, and his bank account statement showed a balance of \$53,004.37 at that time. See Initial Decision at 2-4; see also Exhibit R-1 at 18. The ALJ also found, and the record substantiates, that at the time Petitioner had applied for EA benefits on November 13, 2024, his bank balance statement was -\$2.15. See Initial Decision at 2; see also Exhibit R-1 at 23. Petitioner claimed that he had tried to find housing at the time he had received said inheritance, but was unsuccessful due to bad credit, so he bought a van with his funds, intending to reside in that van. See Initial Decision at 2. However, thereafter, Petitioner decided that he no longer wanted to reside in his van during the cold weather, and he applied for EA benefits. Id. at 2-3. Based on the foregoing, the ALJ found that Petitioner had sufficient funds, and the capacity to plan to avoid his emergent situation, but failed to do so, without good cause, thereby causing his own homelessness. Id. at 4. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. Id. at 4-5; see also Exhibit R-1 at 11-16, and N.J.A.C. 10:90-6.1(c)(1)(i), (ii), (3). I agree.

Additionally, as I concur with the ALJ's conclusion, I also find that Petitioner has caused his own homelessness, without good cause, and as such, I hereby affirm the Agency's imposition of a six-month EA ineligibility penalty upon Petitioner. See Exhibit R-1 at 13; see also N.J.A.C. 10:90-6.1(c)(3).

Exceptions to the Initial Decision were filed by Petitioner on December 24, 2024.

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, Petitioner's six-month EA ineligibility penalty shall run from December 11, 2024, the effective date of the Agency's denial, through June 11, 2025. See Exhibit R-1 at 13.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

Also, by way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. January 08, 2025

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Natasha Johnson  
Assistant Commissioner

