



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 **01035-25 K.S.**

AGENCY DKT. NO. **C247481004 (CAMDEN-CCBSS)**

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 she had sufficient funds, and the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 22, 2025 the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On January 23, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner went in person to the Agency on December 17, 2024, to request assistance with paying her back rent. See Initial Decision at 2. At that time, Petitioner informed the Agency that she was approximately four months behind on her monthly rent of \$975. Ibid. Petitioner disclosed that her available funds were used to satisfy her monthly car payment, a loan payment to her family member, and \$800 for transportation costs due to her vehicle being undriveable. Ibid; see also Exhibit R-1 at 15-79. At that time, Petitioner stated her household was composed of herself and her two minor children, however, the Agency determined that another individual, R.H., and his child, also live in the home as evidenced by R.H.'s receipt of benefits from the Agency at the same address. See Initial Decision at 2. The Agency explained to Petitioner that R.H. should be responsible for his, and his child's, portion of the rent which would reduce her monthly rental payment to \$585 per month. Ibid; see also N.J.A.C. 10:90-6.1(c)(2), and Division of Family Development Instruction ("DFDI") No. 08-5-4 at 10-11. Petitioner stated in her application interview that she was currently employed part time, that she receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Supplemental Security Income ("SSI"), for her minor child. See Initial Decision at 3. Petitioner was asked to provide proof of why her rent was not paid for the months of September 2024 through December 2024, and in turn provided several financial documents, none of which provided proof that she had paid her rent, although she had funds in excess of \$1,400 a month, not including her pay from work, from which she could have paid her rent. Ibid.; see also Exhibit R-1 at 14-27, 35-54. Upon review of the relevant regulations, the ALJ found that although Petitioner's counsel artfully argued that Petitioner's minor children should not be penalized, when it is the parent who caused the family's homelessness, the actions of Petitioner are the basis for her state of homelessness or imminent homelessness, and as such her entire household is ineligible for EA benefits. See Initial Decision at 5-6; see also Exhibit P-1, and N.J.A.C. 10:90-6.1(c)(3).

Based on the foregoing, the ALJ found that Petitioner had sufficient funds, and the capacity to plan to avoid her emergent situation, but failed to do so, without good cause, thereby causing her own homelessness. See Initial Decision at 6. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month



EA ineligibility penalty, were proper and must stand. Id. at 4-6; see also Exhibit R-1 at 8-11, and N.J.A.C. 10:90-6.1(c)(1) (i), (ii), (3). I agree.

Exceptions to the Initial Decision were filed by Petitioner's counsel on January 24, 2025.

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.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from January 10, 2025 the effective date of the Agency's denial, through July 10, 2025. See Exhibit R-1.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless. Specifically, as Petitioner has two minor children in her household, one being an SSI benefits recipient, she may be a candidate for the ICM/State Rental Assistance Program ("SRAP"), and I hereby direct the Agency to refer Petitioner to the ICM program, on an expedited basis. See DFDI 17-01-01.

Also, by way of comment, I have reviewed Petitioner's Counsel'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 29, 2025

Natasha Johnson

Assistant Commissioner

