State of New Jersey
TMENT OF HUMAN SERVICES
SION OF FAMILY DEVELOPMENT
CN 716

DEPARTMENT OF HUMAN SERVICES
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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 1915-17 N.C.

AGENCY DKT. NO. C369244 (ESSEX DIV OF FAMILY ASST. & BENEFITS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits contending that she had the capacity to plan to avoid her emergent situation, and had sufficient income to pay her rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 21, 2017, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 22, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Additionally, 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 at the time Petitioner applied for, and was denied, EA

benefits on February 2, 2017, she was behind in her rent for the months of October, November, and December, 2016, in the amount of $3,000. See Initial Decision at 2; see also Exhibits P-2 and R-4. Petitioner's monthly rent is $1,000, plus electricity. See Initial Decision at 2; see also Exhibits P-1 and R-4. The record also reflects that Petitioner had been receiving Unemployment Insurance Benefits ("UIB") in the monthly amount of $2,300, from July 2, 2016, through January 29, 2017, yet she failed to pay her rent when it came due. See Initial Decision at 2-3; see also Exhibits R-3 and R-4. Further, the record is devoid of any documentation demonstrating any appropriate and necessary expenditures, except for a small utility bill, that could be taken into account to offset Petitioner's income for the aforementioned months at issue. See Initial Decision at 3-4; see also Exhibit P-1 and N.J.A.C. 10:90-6.1(c)(1)(ii).

Based on forgoing, I find that Petitioner had sufficient income to pay her rent but failed to do so. See Initial Decision at 2-3. Additionally, I do not find any extraordinary circumstances or expenses that would warrant Petitioner's non-payment of rent. See N.J.A.C. 10:90-6.1(c)(1)(ii). Accordingly, I find that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, without good cause, and therefore, the Agency's denial of EA benefits to Petitioner was proper. See Exhibit R-2; see also N.J.A.C. 10:90-6.1(c), -6.1(c)(3)(v).

Additionally, because I find that Petitioner caused her own homelessness, without good cause, she is ineligible for EA benefits for a period of six months, beginning February 2, 2017, the date of the Agency's denial of said benefits. See Exhibit R-2 and N.J.A.C. 10:90-6.1(c)(3).

By way of 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.

Accordingly, the Initial Decision is REJECTED, and the Agency's action is AFFIRMED.

MAR 0 7 2017

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director