



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **03316-24 T.D.**

AGENCY DKT. NO. **S534996012 (MIDDLESEX 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 she was evicted from subsidized housing due to non-payment of rent, thereby causing her own homelessness, and that she had the capacity to plan to avoid her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 15, 2024, the Honorable Kimberly M. Wilson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 18, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects, and Petitioner admitted, that she had lost her Section 8 housing voucher on March 15, 2023, because she failed to timely submit required household information. See Initial Decision at 3, 5-7; see also Exhibits R-1 at 1, R-2, R-5. The ALJ also found that Petitioner was evicted from subsidized housing for non-payment of rent for the months of May 2022, through October 2023. See Initial Decision at 3; see also Exhibits R-4, R-6, R-7. Moreover, the ALJ found that it was Petitioner's loss of her Section 8 voucher, which she was required to maintain, that was the catalyst for her failure to pay her monthly rent when due, and her resultant eviction from subsidized housing. See Initial Decision at 4, 7. Although Petitioner claimed that the loss of her Section 8 voucher, and her failure to pay the rent, was due to certain medical conditions, the ALJ found that Petitioner had failed to provide any evidence to substantiate such claim. See Initial Decision at 7; see also Exhibits P-1 through P-4. Based on the testimony of the parties, and the documentation submitted, the ALJ found that Petitioner had failed to provide any good cause reason for the loss of her Section 8 housing voucher, and her failure to pay her rent, and as such, the ALJ found that Petitioner had the capacity to plan to avoid her homelessness, and was not homeless due to circumstances beyond her control. See Initial Decision at 7; see also N.J.A.C. 10:90-6.1(c). Accordingly, the ALJ concluded that Petitioner had caused her own homelessness, and therefore, the Agency's denial of EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 7-8; see also R-8, and N.J.A.C. 10:90-6.1(c)(3)(ii). I agree.

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 is advised that her six-month EA ineligibility penalty shall begin to run from February 29, 2024, the effective date of the Agency's denial of EA benefits, through August 29, 2024. See Exhibit R-8.



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.

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

Officially approved final version. March 27, 2024

Natasha Johnson
Assistant Commissioner

