



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 07374-18 D.W.

AGENCY DKT. NO. S921132009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness, and that she had failed to participate in the Substance Abuse Initiative ("SAI") program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 23, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 24, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, applied for EA benefits on May 8, 2018. See Initial Decision at 2; see also Exhibit R-1. At the time she applied for EA benefits, Petitioner was behind on rent after being injured and prevented from earning an income, and because people who were helping her pay for rent were no longer able to do so. See Initial Decision at 2-3; see also Exhibits R-1, R-4. Immediately upon applying for EA benefits, the Agency referred Petitioner to a residential SAI program; however, she did not attend, instead preferring an outpatient program. See Initial Decision at 2-3; see also Exhibit R-2. Thereafter, on May 22, 2018, Petitioner was served with a Warrant of Removal with a lock out date of May 29, 2018. See Initial Decision at 3; see also Exhibits R-3, P-1. The Agency denied Petitioner EA benefits, finding that Petitioner continued to live in unaffordable housing even after knowing she could not afford the rent, without making an effort to seek more affordable accommodations, and because she failed to participate in the residential SAI program, thereby causing her own homelessness. See Initial Decision at 4; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3). The ALJ agreed, finding that Petitioner did not lack a realistic capacity to plan for affordable housing, and failed to abide by the Agency's terms concerning the SAI program. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3), -18.1, et seq. I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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 in this matter.

By way of comment, because I agree with the ALJ that Petitioner has caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits, beginning May 16, 2018, the date of the Agency's denial, through November 15, 2018. See Exhibit R-2; see also N.J.A.C. 10:90-6.1(c)(3).



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 in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

Officially approved final version.

JUN 01 2010

Natasha Johnson

Director

