



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 11663-19 A.C.

AGENCY DKT. NO. C238364004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she abandoned permanent affordable housing in another state, and that she had the available funds and the capacity to plan for alternative housing in New Jersey ("NJ"), but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 26, 2019, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 16, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner abandoned permanent affordable Section 8 housing in another state, and claimed that she moved to NJ to be closer to her adult son who had suffered a heart attack. See Initial Decision at 2. Petitioner had stayed with a friend until such time that she was asked to leave, and then applied for EA benefits. *Ibid.*; see also Exhibit R-1 at 7-9. The Agency initially granted Petitioner EA benefits, however, upon further review of Petitioner's file, the Agency determined that she had the available funds and the capacity to plan to secure housing in NJ, but failed to do so. See Initial Decision at 2-3; see also Exhibit R-1 at 10-11. As a result, the Agency terminated Petitioner's EA benefits. See Exhibit R-1 at 2-5; see also N.J.A.C. 10:90-6.1(c). Of note, Petitioner did not assert that she lacked the capacity to plan to secure housing in NJ. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(1). The ALJ found that Petitioner had caused her own homelessness by voluntarily abandoning her Section 8 housing in another state, that she had the capacity to plan for housing in NJ, and that she had failed to provide any evidence to demonstrate that she had exhausted her available funds on items reasonable and necessary for daily living. See Initial Decision at 4-5; see also Exhibit R-1 at 12-14. Further, the ALJ found that Petitioner had failed to provide any evidence to substantiate her reason for moving to NJ, and moreover, that she had continued to pay her rent in the state from which she had moved. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. *Id.* at 5; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:90-6.1(c)(3). 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.

Further, because I concur with the ALJ's conclusion that Petitioner has cause her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3)(v). As Petitioner has been receiving continued assistance pending the outcome of the fair hearing, her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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

Officially approved final version.

Natasha Johnson

Assistant Commissioner

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