



State of New Jersey

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Governor

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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 03925-19 A.H.

AGENCY DKT. NO. C724527007 (ESSEX COUNTY DIVISION OF WELFARE)

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 moved to New Jersey ("NJ") without a plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 25, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 26, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner and her boyfriend moved to NJ through a New York City housing program called "Special One Time Assistance" ("SOTA"), which is a program that pays an individual's rent for a certain period of time upon relocating to another state. See Initial Decision at 2-3; see also Exhibit R-3. SOTA paid Petitioner's rent for a full year, from October 2017, through September 2018. Ibid. Petitioner, currently facing eviction for non-payment of \$4,000 in back rent for the months of December 2018 through March 2019, applied for EA benefits. See Initial Decision at 3; see also Exhibit R-2. Petitioner's boyfriend has since moved out, and because his name is on the lease, and he is not a part of Petitioner's WFNJ household, the Agency would only be authorized to pay Petitioner's half of the back rent. See Initial Decision at 3; see also Exhibit R-1. Petitioner admittedly cannot afford to pay her boyfriend's share of the back rent. See Initial Decision at 3; see also Exhibit R-3. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had moved to NJ without a plan for self-sufficiency. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). The ALJ agreed, and further found that Petitioner had been living in NJ for a year, rent free, and yet admittedly had failed to seek employment or more affordable housing during that time, or to take any reasonable steps to avoid her pending homelessness. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that Petitioner had caused her own emergency, and as such, the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. Ibid.; see also Exhibit R-1, 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.

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.

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Natasha Johnson  
Director

MAR 28 2019

