



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 11607-19 A.K.

AGENCY DKT. NO. S594771012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that his income exceeded his housing costs, that he had the capacity to plan to avoid his homelessness, that his homelessness was not due to circumstances beyond his control, and that he had not proven how his available funds had been exhausted. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 3, 2019, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 4, 2019, the ALJ issued an Initial Decision affirming the Agency's denial of EA benefits to Petitioner, and reversing the imposition of a six-month period of ineligibility for EA benefits.

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 hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

In order to be eligible for EA benefits, the recipient must demonstrate that his/her shelter costs equal or exceed the total income available to the assistance unit. See N.J.A.C. 10:90-6.1(a)(1). Further, as part of the determination of EA eligibility, the agency must evaluate all potential contributions of support to the household. See N.J.A.C. 10:90-6.1(c)(2).

Additionally, 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. 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." See N.J.A.C. 10:90-6.1(c)(3).

Here, the ALJ found that Petitioner's monthly income from Supplemental Security Income ("SSI") benefits is \$802, and that at the time of his EA benefits application his monthly rent was \$765. See



Initial Decision at 2; see also Exhibit R-2 at A, C, F, I. Based on the foregoing, the ALJ concluded that, in accordance with regulatory authority the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-2 at H, and N.J.A.C. 10:90-6.1(a)(1). I agree.

However, the ALJ also found that Petitioner's decision to enter into a consent order to vacate his former residence should be considered a resolution of a dispute with his landlord regarding more issues than just Petitioner's non-payment of rent, that Petitioner had valid reasons for vacating his apartment, and as such, it could not be said that Petitioner caused the loss of his housing. See Initial Decision at 3-4. Accordingly, the ALJ concluded that no six-month EA ineligibility penalty should be imposed, and reversed the Agency's imposition of said penalty. Id. at 4; see also Exhibit R-2 at F, G, and N.J.A.C. 10:90-6.1(c)(3). I agree with the ALJ that no six-month EA ineligibility penalty shall be imposed, however, of note, the record does not indicate that the Agency had indeed imposed such penalty. See Initial Decision at 4; see also Exhibit R-2 at H.

By way of comment, as the record indicates that Petitioner is currently homeless, and as no six-month EA ineligibility penalty has been, nor shall be, imposed, I find that Petitioner is without prejudice to reapply for EA benefits.

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

Officially approved final version.

SEP - 9 2019

Natasha Johnson
Director

