



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **16474-19 J.D.**

AGENCY DKT. NO. **C267698009 (HUDSON COUNTY DEPT OF FAM 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 had sufficient income to pay her rent, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 27, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 29, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

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, based on the discussion below.

In order to be EA eligible, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). The lack of a realistic capacity to plan exists when the assistance unit can demonstrate that available funds were exhausted on items deemed necessary, appropriate, or reasonable for decent living, and that such expenditures were made as a result of a significant occurrence or from meeting the expenses of daily living. See N.J.A.C. 10:90-6.1(c)(1)(ii). These expenses must be documented in the case record. Ibid. Additionally, EA 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 record reflects that Petitioner had received a temporary disability payment in the amount of \$6,978 in July 2019. See Initial Decision at 3; see also Exhibit R-1 at 13. Petitioner provided the Agency with documentation demonstrating a spend-down of those available funds for July 2019, totaling \$3,527, leaving her with balance of \$3,451. See Initial Decision at 3; see also Exhibit R-1 at 6. The record further reflects that Petitioner receives monthly Supplemental Security Income ("SSI") benefits on behalf of her



daughter. See Exhibit R-1 at 12. Petitioner's monthly rent was \$1,370, yet she failed to pay her rent out of any of her available funds, resulting in a complaint for eviction being filed against her. See Initial Decision at 2-3; see also Exhibit R-1 at 7-10. Based on the foregoing, the ALJ concluded that Petitioner had sufficient income to pay her rent, but failed to do so. See Initial Decision at 3. Accordingly, the ALJ further concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. Id. at 4; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:90-6.1(c)(c)(3), -6.3. I agree.

By way of comment, Petitioner is advised that her six-month EA ineligibility penalty shall run from November 19, 2019, the effective date of the Agency's denial, through May 18, 2020. See Exhibit R-1 at 2-5.

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.

Natasha Johnson
Assistant Commissioner

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