



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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NATASHA JOHNSON
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 14297-19 J.E.

AGENCY DKT. NO. C157540015 (OCEAN COUNTY BOARD 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 emergency was not due to circumstances beyond his control, and that he had the capacity to plan to avoid his emergency, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 15, 2019, the Honorable Edward J. Delanoy, Jr., 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, his wife, and two children had moved into motel housing on April 12, 2019, and that he had been paying the \$92 a day motel rent with funds from a \$9,000 tax refund, and his wife's employment income. See Initial Decision at 3-4. The record also reflects that in May 2019, Petitioner obtained employment, worked for seven days, and then voluntarily quit that employment. *Ibid.* The ALJ found that Petitioner had voluntarily quit his employment, without good cause, resulting in his inability to pay his motel rent and his current emergency situation. *Id.* at 4-6; see also Exhibit P-1. The ALJ also found that Petitioner had months to seek other employment, which would have enabled him to pay his rent once the tax refund monies had been exhausted, but he had failed to do so. See Initial Decision at 5-6. Further, the ALJ found that Petitioner voluntarily left his motel housing without proof that he was required to do so. *Id.* at 6; see also Exhibit P-1. Based on the record presented, the ALJ concluded that Petitioner's emergency situation was not beyond his control, and that he had the capacity to plan to avoid his emergency, but failed to do so. See Initial Decision at 6-7. Although Petitioner claimed that he had mental health issues, which inhibited his ability to plan, and testified that he believed that he was an abused husband, the ALJ found that Petitioner had failed to provide any medical documentation to substantiate that he was incapable of working or holding down employment due to certain mental health issues, or that he was an abused husband. *Id.* at 4-6. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 7; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). I agree.

Exceptions to the Initial Decision were filed by Petitioner on October 18, 2019.



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, I find that Petitioner has caused his own homelessness, and as such, I hereby impose upon him a six-month period of ineligibility for EA benefits. See Initial Decision at 7; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from September 9, 2019, the date of the Agency's denial, through March 8, 2020. See Exhibit R-1.

By way of comment, based upon Petitioner's claim that he believes that he is an abused husband, the Agency shall refer Petitioner for a domestic violence assessment in accordance with the Family Violence Option Initiative. See N.J.A.C. 10:9-20.1 et. seq.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Also, by way of further comment, as it appears from the record that Petitioner may have an open case with the Division of Child Protection and Permanency ("DCPP"), a copy of the Initial and Final Decisions shall be forwarded to DCPP. See Initial Decision at 2.

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

Officially approved final version.

OCT 22 2019

Natasha Johnson
Assistant Commissioner

