



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 00699-19 J.O.

AGENCY DKT. NO. C167850011 (MERCER 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 he had the capacity to prevent his homelessness, and that he had sufficient income to pay his rent, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 17, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 18, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had sufficient income to pay his rent but failed to do so, thereby resulting in his eviction from permanent housing. See Initial Decision at 2-3; see also Exhibits R-2, R-4. Petitioner admitted that he did not use his best judgment in not paying his rent. See Initial Decision at 5. Based on the testimony and evidence presented, the ALJ concluded that Petitioner had caused his own homelessness, failed to provide any documentation to establish good cause for not doing so, and that the Agency's denial of EA benefits, on that basis, was proper and must stand. Id. at 3-6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). However, due to Petitioner's mental health issues, of which the Agency was aware, the ALJ also concluded that Petitioner shall not be subject to a six-month period of ineligibility for EA benefits, as he lacked the functional capacity to plan to avoid his homelessness. See Initial Decision at 3-6; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Further, the ALJ opined that, should Petitioner reapply for EA benefits, the Agency should refer him to the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program for evaluation and treatment, that Petitioner must agree to engage in appropriate treatment, and that such treatment shall be part of Petitioner's EA service plan. See Initial Decision at 7; see also N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a), -18.1 et seq. Additionally, the ALJ advised Petitioner that should he fail to participate in SAI/BHI, or abandon any future housing placement, that his EA benefits may be terminated and a six-month EA ineligibility penalty imposed. See Initial Decision at 7; see also N.J.A.C. 10:90-6.6(a). 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 is directed to give Petitioner the necessary guidance and assistance in retaining/reinstating his current subsidized housing with the Trenton Housing Authority, and to assist him in securing a safe and appropriate apartment. See Initial Decision at 2-3; see also Exhibits P-1 through P-8.



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

Officially approved final version.

JAN 24 2019

Natasha Johnson

Director

