



State of New Jersey

PHILIP D. MURPHY
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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 16229-19 M.G.

AGENCY DKT. NO. C025916017 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits, contending that she had sufficient income to pay her rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 21, 2019, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on November 21, 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.

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 record reflects that Petitioner has a total monthly household income of \$2,232, and that her monthly rent was \$785, plus \$342 per month in utilities. See Initial Decision at 2-3; see also Exhibit R-1 at 13, 33-34, 36. However, the record indicates that Petitioner failed to pay her rent for the months of July, August, September, and October 2019, resulting in eviction. See Exhibit R-1 at 25-31, 35. The ALJ found that Petitioner had failed to apply her household income to her rent, and had failed to provide any proofs as to how she had spent that household income. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(1)(ii). Based on the foregoing, the ALJ found that Petitioner had sufficient funds to pay her rent, but failed to do so, without good cause, thereby causing her own homelessness. See Initial Decision at 3. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Ibid.*; see also Exhibit R-1 at 3-7, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Additionally, because I concur with the ALJ's conclusion that Petitioner caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 3; see



also N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from November 14, 2019, the effective date of the Agency's denial, through May 13, 2020. See Exhibit R-1 at 3-7.

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.

Natasha Johnson
Assistant Commissioner

DEC - 4 2019

