



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 09241-19 M.K.

AGENCY DKT. NO. C624453007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he moved into an unaffordable apartment, and that he is not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 24, 2019, the Honorable Ernest M. Bongiovanni, 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 determination. Here, the record reflects that on June 11, 2019, Petitioner applied for EA benefits, and on June 16, 2019, he signed a one year lease for an apartment that he could not afford, without prior approval or inspection by the Agency. See Initial Decision at 2-3; see also Exhibits R-2, R-4. The ALJ found, and the record substantiates, that the cost of Petitioner's apartment, \$1,100 per month, does not exceed the Fair Market Rent ("FMR") of \$1,188 for a one-bedroom apartment in Essex County. See Initial Decision at 2, 3, 4; see also Exhibits R-4, R-5. The ALJ also found that Petitioner had created his own emergency by ignoring opportunities to plan against homelessness. See Initial Decision at 4-5. Regardless, the ALJ found that Petitioner's application for EA benefits was premature, as there is no evidence that Petitioner is homeless or imminently homeless, a prerequisite for EA benefits eligibility. *Ibid.*; see also N.J.A.C. 10:90-6.1(c). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5; see also Exhibit R-1. I agree.

Exceptions to the Initial Decision were filed by Petitioner on September 20, 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.

By way of comment, should Petitioner's circumstances change, he is without prejudice to reapply for EA benefits. See Initial Decision at 5.



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.

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

Officially approved final version.

Natasha Johnson

Assistant Commissioner

OCT - 4 2019

