



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 01276-19 M.W.

AGENCY DKT. NO. C106348003 (BURLINGTON COUNTY BD. 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 pursue affordable housing, 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. A hearing was initially scheduled for November 14, 2018, but Petitioner failed to appear. The case was rescheduled for December 12, 2018, at the request of Petitioner, but Petitioner again failed to appear. The matter was then rescheduled for January 28, 2019, and the Honorable Lisa James-Beavers, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to submit documentation regarding his eviction and hospitalization. The record then closed on January 29, 2018, upon receipt of Petitioner's documentation.

On January 30, 2019, the CALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner, a Supplemental Security Income ("SSI") benefits recipient, receives \$544.31 per month in SSI benefits. See Initial Decision at 2; see also Exhibit R-1 at 18-19. The record also reflects that Petitioner suffers from mental health issues, and that he had lived with his mother for 40 years until such time as his mother developed dementia, his brother obtained Power of Attorney over their mother, and he was evicted from their mother's home by his brother. See Initial Decision at 2-3; see also Exhibit P-1 at 1. At the time of Petitioner's application for EA benefits, Petitioner informed the Agency that he knew about the potential eviction for a few months, and that he had not taken any steps to prevent the eviction or to seek alternative housing. See Initial Decision at 3. As a result, the Agency denied Petitioner EA benefits, contending that he had the capacity to plan for alternate housing, but failed to do so, thereby causing his own homelessness. *Ibid.*; see also Exhibit R-1 at 9-13, and N.J.A.C. 10:90-6.1(c)(3).

The CALJ found Petitioner credible when he testified that he did not believe that his mother would allow his brother to kick him out of the house that he had lived in with her for 40 years. See Initial Decision at 3-4. The CALJ also opined that Petitioner found himself in circumstances that he had never anticipated, and that his mental health issues may have inhibited his capacity to fully comprehend his situation. *Id.* at 4-5; see also Exhibit P-1 at 2. Based on the foregoing, the CALJ found that Petitioner lacked a realistic capacity to engage in advance planning, and concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 5; see also Exhibit R-1 at 9-13, and N.J.A.C. 10:90-6.1(c)(1)(i), (iii). 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 CALJ's Initial Decision, and following an independent review of the record, I concur with the CALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, as it appears from the record that Petitioner may have mental health issues which prevent him from compliance with EA benefits eligibility requirements, Petitioner shall be required to follow through with services to address those barriers for continued EA eligibility. See Initial Decision at 5; see also Exhibit P-1 at 2, and N.J.A.C. 10:90-6.1(c)(1)(iii). Such services shall be incorporated into Petitioner's EA service plan ("SP"). See N.J.A.C. 10:90-6.6(a)(1)(iii)(7). Petitioner is advised that failure to comply with his SP may result in a six-month period of ineligibility for receipt of EA benefits. See N.J.A.C. 10:90-6.6(a).

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

Officially approved final version.

FEB - 5 2019

Natasha Johnson
Director

