



State of New Jersey

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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 14020-19 R.F.

AGENCY DKT. NO. C164360003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she lost subsidized housing, had the capacity to plan to avoid her emergency, and moved to New Jersey ("NJ") without a plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2019, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until October 10, 2019, to allow Petitioner the opportunity to produce a copy of her MED-1 form.

On October 11, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had been evicted from her subsidized housing in New York ("NY") due to nonpayment of rent, and that she had been given six months before the actual eviction occurred to search for alternate subsidized housing. See Initial Decision at 2, 5; see also Exhibit P-1 at 1-5, 16. However, Petitioner failed to look for, or secure, alternate housing, and as a result she lost her NY housing subsidy. See Initial Decision at 2-3, 5. Thereafter, Petitioner moved in with her cousin in NJ, on a temporary basis, hoping to secure more affordable housing in NJ, and applied for EA benefits. *Id.* at 3; see also Exhibits R-2, R-3. Although Petitioner claimed that she had been evicted from her apartment because the landlord had wanted her out so that he could charge a higher rent, the ALJ found that Petitioner had failed to provide any competent evidence to support her claim. See Initial Decision at 4-6. Petitioner also claimed that she had searched for housing prior to the expiration of her housing subsidy, however, the ALJ found that such searches were conducted after said housing subsidy had already expired. *Ibid.*; see also Exhibit P-1 at 6-15. Based on the testimony and evidence presented, the ALJ found that Petitioner had the capacity to plan to avoid her housing emergency, and that she had not provided any evidence to indicate that she had a functional incapacity which would have prevented her from planning for alternate housing. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Accordingly, the ALJ concluded that Petitioner had caused her own homelessness, and that the Agency's denial of EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). I agree.



Exceptions to the Initial Decision were received from Petitioner on October 17, 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, Petitioner's six-month EA ineligibility penalty shall run from September 17, 2019, the date of the Agency's denial, through March 16, 2020. See Exhibit R-1.

By way of further 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.

Also, by way of 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 18 2019

