



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
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 03774-19 S.S.

AGENCY DKT. NO. C763624007 (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 she had the capacity to plan to avoid her emergency, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 4, 2019, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Upon receipt of certain information from the Agency, the record then closed on April 5, 2019.

On April 10, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner and her child moved to New Jersey ("NJ") through a New York City ("NYC") housing program called "Special One Time Assistance" ("SOTA"), which is a program that pays an individual's rent for a certain period of time upon relocating to another state. See Initial Decision at 2; see also Exhibit R-7. SOTA paid Petitioner's monthly rent for a full year, from December 2017, through November 2018. See Initial Decision at 2; see also Exhibit R-4. At the time Petitioner moved to NJ, she had long term, full-time employment in NYC. See Initial Decision at 3; see also Exhibit R-5. However, in April 2018, Petitioner voluntarily quit her employment, without the promise of other employment, because she was denied a raise. See Initial Decision at 3. Thereafter, Petitioner worked for a temp agency from June 2018, through September 2018, at which time she ceased receiving any new assignments. *Ibid.* Petitioner did not secure any alternate employment after September 2018. *Ibid.* Also, Petitioner's child continued to attend school in NYC during the time they lived in NJ, resulting in her need to travel every day to NYC to take him to school and pay for childcare. *Ibid.*

The record further reflects that after the SOTA year ended, Petitioner failed to pay her rent. See Initial Decision at 2-3. On January 11, 2019, Petitioner applied for EA benefits in the form of back rent, as well as prospective EA benefits in the form of Temporary Rental Assistance ("TRA"). *Ibid.*; see also Exhibit R-3. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan and the funds to avoid her emergency, but failed to do so. See Initial Decision at 2; see also Exhibits R-2, R-5, and N.J.A.C. 10:90-6.1(c). The ALJ agreed, finding that Petitioner had been living in NJ for a year, rent free, and that she was aware that she would be responsible for paying her rent starting December 2018, yet she quit her long term job without alternate full-time employment. See Initial Decision at 3-4; see also Exhibit R-4. Further, the ALJ found that "Petitioner simply failed to plan in 2018[,] to either be in a position to pay her rent starting in December 2018, or to find alternative, more affordable housing." See Initial Decision at 4. Petitioner has since paid her back rent through February 2019. *Id.* at 3. At the time of the hearing, Petitioner owed rent for the months of March and April 2019, and anticipates that her landlord will soon evict her. *Ibid.* Based on the foregoing, the ALJ concluded that Petitioner's request for EA benefits in the form of back rent for the months of December 2018, through February 2019, was moot, as said back rent had already been paid by her; and that the Agency's denial of prospective



EA/TRA benefits to Petitioner was proper and must stand. Id. at 4; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). 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, because I concur with the ALJ's conclusion that Petitioner had the capacity to plan to avoid her emergency, but failed to do so, I find that she has caused her own homelessness, and as such, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from March 4, 2019, the effective date of the Agency's denial, through September 3, 2019. See Exhibit R-2.

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.

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

Officially approved final version.

MAY - 9 2019

Natasha Johnson
Director

