



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **06344-19 S.S.**

AGENCY DKT. NO. **C113374015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that Petitioner's emergency was not beyond her control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 14, 2019, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 15, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner applied for EA benefits claiming that she was homeless due to the closing of the motel where she was residing. See Initial Decision at 2; see also Exhibits R-2 at 1, R-3. Petitioner also claimed that she had been paying that motel \$375 a week from March 2018 through March 2019, when the motel closed. See Initial Decision at 2; see also Exhibit R-4. Petitioner's mother ("B.S.") testified that in August 2018, she had deposited \$11,000 into Petitioner's savings account for the payment of rent, as substantiated by the record. See Initial Decision at 2; see also Exhibit R-5. B.S. also testified that she had continued to pay for Petitioner's rent, but can no longer assist her. See Initial Decision at 2; see also Exhibits R-7, R-8. The Agency determined that Petitioner was unable to confirm her residency at the motel, or that any of the withdrawals from her savings account were for the payment of rent, as Petitioner had paid in cash and there were no receipts for such payments. See Initial Decision at 2; see also Exhibits R-5, R-6. Further, the record indicates that upon closure of the motel on March 8, 2019, 18 residents were relocated to other places, however, Petitioner did not provide any evidence that she was one of those relocated, or that she had attempted to secure other accommodations. See Initial Decision at 2. Consequently, the Agency denied Petitioner EA benefits. See Initial Decision at 1; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c).

Based on the testimony and evidence presented, the ALJ found that Petitioner could not prove that she had been a resident of the subject motel, that any of the \$11,000 withdrawn from her savings account was for the payment of motel rent, or that she had attempted to find other lodging once the motel had closed. See Initial Decision at 3-4; see also Exhibits R-5, R-6. The ALJ also found that B.S. could not prove that she had made any rent payments on behalf of Petitioner to the motel. See Initial Decision at 3. Accordingly, the ALJ concluded that Petitioner's emergency was not due to circumstances beyond



her control, and as such, the Agency's denial of EA benefits to Petitioner was proper and must stand. Id. at 4-5; see also Exhibit R-1, 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's emergency was not beyond her control, I find that Petitioner 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 begin to run from May 8, 2019, the date of the Agency's denial, through November 7, 2019. 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.

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

Officially approved final version. **MAY 17 2019**

Natasha Johnson
Director

