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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 **02630-20 N.M.**

AGENCY DKT. NO. **C094866003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent, 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 failed to provide requested documents required to determine her EA benefits eligibility, and that she had the capacity to plan to avoid her housing emergency, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 26, 2020, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 27, 2020, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits to Petitioner, and reversing the Agency's imposition of a six-month EA ineligibility penalty.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM in part, and REVERSE in part, the Agency's determination, based on the discussion below.

Here, the ALJ found that Petitioner failed to provide the requested documentation required by the Agency to determine her EA benefits eligibility, and therefore, concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3, 5; see also R-1 at Exhibits 1, 7, and N.J.A.C. 10:90-6.1(c)(2). I agree.

However, the ALJ found that Petitioner did not have the capacity to plan to avoid her emergency, and as such, concluded that the Agency's imposition of a six-month EA ineligibility penalty upon Petitioner was improper and must be reversed. See Initial Decision at 3-5; see also R-1 at Exhibit 1, and N.J.A.C. 10:90-6.1(c)(1). The ALJ did not find the Agency credible when it testified that Petitioner had the funds from her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits with which to make payments toward her back rent, but failed to do so, and thereby causing her eviction. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(3)(vi). Specifically, the ALJ found that an eviction had already commenced, and a lockout scheduled, prior to Petitioner's receipt of WFNJ/TANF benefits;



that Petitioner's mother and brother, with whom she resided, were responsible for paying their share of the back rent, but were unable to do so; and that Petitioner had offered to pay the landlord her share of the past due rent to stop the eviction, but her landlord would not accept a partial payment. See Initial Decision at 3-4; see also Exhibit P-1, R-1 at Exhibits 1, 2, 3, 5, 6. Based on the foregoing, the ALJ concluded that Petitioner did not cause her own homelessness, and therefore, the Agency's denial of EA benefits to Petitioner on that basis, and the imposition of a six-month EA ineligibility penalty upon Petitioner was improper and must be reversed. See Initial Decision at 4-5; see also R-1 at Exhibit 1. I also agree.

By way of comment, the transmittal in this matter indicates that Petitioner also appealed a reduction in her Supplemental Nutrition Assistance Program ("SNAP") benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a reduction of SNAP benefits, she may request another fair hearing on that issue alone.

By way of further comment, Petitioner may reapply for EA benefits for herself and her children only, and due to Petitioner's homelessness, the Agency is directed to process her EA benefits application on an expedited basis.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version.

MAR - 4 2020

Natasha Johnson
Assistant Commissioner

