



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 06615-21 D.P.

AGENCY DKT. NO. C074322015 (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 his emergency was not due to circumstances beyond his control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 10, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 11, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had been living with a girlfriend in her Section 8 housing, off and on, from July 2020, through July 2021, without being on the lease. See Initial Decision at 2. Petitioner's girlfriend asked him to leave her residence at the end of July 2021, and Petitioner is currently homeless. *Id.* at 4. The ALJ found that Petitioner had known that he was not on the lease, and as such, also knew that he was not permitted to reside in said Section 8 housing, yet for more than a year, he had failed to search for alternative housing. *Id.* at 2-5. Further, the ALJ found that Petitioner had not provided any documentation to establish that his emergency was due to circumstances beyond his control, or that he did not have the financial capacity to plan for alternative housing. *Id.* at 4, 7; see also Exhibits R-3, R-4. Of note, the record reflects that, at the time Petitioner applied for EA benefits, the Agency had completed a mental health assessment for Petitioner, and found that Petitioner did not lack the capacity to plan for an emergency. See Initial Decision at 2-3, 5. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1)(i). 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, 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.

AUG 17 2021

Natasha Johnson
Assistant Commissioner

