



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 04971-21 R.M.

AGENCY DKT. NO. C150200015 (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 emergent situation was not due to circumstances beyond his control, and that he had the capacity to plan to avoid his emergent situation, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 16, 2021, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 17, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

In relevant part, pursuant to N.J.A.C. 10:90-6.3(i)(1), "[o]n a case-by-case basis and in consultation with DFD, the penalty may also be lifted when deemed appropriate by the county or municipal agency."

Here, the record reflects that, from approximately June 18, 2020, to April 2021, Petitioner had been receiving Unemployment Insurance Benefits ("UIB") in the amount of \$213 per week, and also received additional COVID related Federal funds of \$600 per week for a few weeks, and then \$300 additional per week thereafter. See Initial Decision at 2; see also Exhibit R-4. At the time Petitioner had been receiving UIB, he was residing with the mother of his friend and paying \$100 per week in rent. See Initial Decision at 2; see also Exhibit R-6. On or about December 2020, Petitioner knew that his friend's mother was selling her house and that he would have to leave the residence, yet he failed to plan for alternate housing. See Initial Decision at 2-3; see also Exhibit R-5. Moreover, Petitioner had sufficient funds to pay for alternate housing. See Initial Decision at 2; see also Exhibit R-4. Additionally, the record reflects that Petitioner could have continued to receive UIB after April 2021, but had failed to provide the Department of Labor with identification (driver's license or general government issued identification) required for continued UIB eligibility. See Initial Decision at 2; see also Exhibit R-3. When the house was sold on March 23, 2021, Petitioner then became homeless, and applied for EA benefits. See



Initial Decision at 2-3; see also Exhibits R-2, R-5. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, on the bases that his emergency was not beyond his control and that he had the capacity to plan to avoid his emergency, was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1), (3). I agree.

The ALJ also affirmed the Agency's imposition of a six-month ineligibility penalty for EA benefits upon Petitioner. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3). Although regulatory authority dictates that a six-month EA ineligibility penalty shall be imposed in this instance, based on an independent review of the record, it appears that the Agency had not imposed such a penalty. See Exhibit R-1. As such, in accordance with applicable regulatory authority, I hereby impose upon Petitioner a six-month EA ineligibility penalty. N.J.A.C. 10:90-6.1(c)(3). However, as the record indicates that the Agency may be willing to provide Petitioner with EA benefits in the form of a security deposit and first month's rent should he locate affordable housing, continue receipt of UIB, or become employed, the Agency is hereby advised that it is authorized to lift the six-month EA ineligibility penalty in order to provide Petitioner with such EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(i)(1). The Initial Decision and the Agency's determination are modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version.

JUL - 1 2021

Natasha Johnson
Assistant Commissioner

