



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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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 **09191-23 D.W.**

AGENCY DKT. NO. **C181475020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, 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 he had the realistic capacity to plan in advance to avoid his emergent situation, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 18, 2023, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

Also on September 18, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had sufficient time (from February, 2023 to July, 2023), sufficient income, and the realistically capacity to plan in advance to avoid his emergent situation, but failed to do so. See Initial Decision at 2, 7; see also N.J.A.C. 10:90-6.1(c)(1)(i), (ii). Moreover, the ALJ found that Petitioner had gambled his monthly income rather than pay his rent or locate alternative affordable housing. Ibid. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4-7; see also "Notification Form" dated August 5, 2023, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Additionally, as I concur with the ALJ's conclusion, I also find that Petitioner has caused his own homelessness, without good cause, and as such, I hereby affirm the Agency's imposition of a six-month EA ineligibility penalty upon Petitioner. See "Notification Form" dated August 5, 2023, and N.J.A.C. 10:90-6.1(c)(3).

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, Petitioner's six-month EA ineligibility penalty shall run from August 5, 2023, the effective date of the Agency's denial, through February 5, 2024. See "Notification Form" dated August 5, 2023.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his 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. September 27, 2023

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Natasha Johnson  
Assistant Commissioner

