



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **09335-23 E.J.**

AGENCY DKT. NO. **S573531012 (MIDDLESEX COUNTY BD. 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 failed to provide required documentation, and that his homelessness 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 September 22, 2023, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 25, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits on July 11, 2023. See Initial Decision at 2; see also Exhibit R-1. In his application, Petitioner advised the Agency that he had been evicted from his subsidized housing in March 2023, for failure to pay rent. See Initial Decision at 2; see also Exhibit R-1 at 3. At the time of application, the Agency required Petitioner to provide certain documentation needed to determine his EA benefits eligibility, which requirement also included documentation regarding his eviction from subsidized housing. See Initial Decision at 3; see also Exhibit R-3, and N.J.A.C. 10:90-2.2(a)(5). Petitioner did not provide any of the required verification documentation. See Initial Decision at 3. As a result, by notice dated August 15, 2023, the Agency denied EA benefits to Petitioner, effective July 11, 2023, on the basis that he failed to provide required documentation, and on the basis that his homelessness was not due to circumstances beyond his control, specifically, he failed to pay his subsidized rent, without good cause shown. *Id.* at 3-4; see also Exhibit R-5 at 1, and N.J.A.C. 10:90-2.2(a)(5), (d) -6.1(c)(3)(ii). Consequently, the Agency imposed a six-month EA ineligibility penalty upon Petitioner. See Exhibit R-5; see also N.J.A.C. 10:90-6.1(c)(3)(ii).

At the hearing, the ALJ found that Petitioner's testimony was not credible and that he failed to substantiate why he had failed to comply with the Agency's documents request, or why he had failed to pay his rent, which resulted in his eviction. See Initial Decision at 4-7. Conversely, the ALJ found the Agency's testimony credible, and that the documentary evidence provided supported its contention that Petitioner had failed to provide the documentation required to determine his eligibility for EA benefits,



and that was evicted from his residence due to his failure to pay rent. Id. at 4-5. See also N.J.A.C. 10:90-6.1(c)(3)(ii).

Based on the foregoing, the ALJ concluded that the Agency's denial of Petitioner's July 11, 2023, application for EA benefits was proper and must stand. See Initial Decision at 7; see also N.J.A.C. 10:90-2.2(a)(5), (d), -6.1(c), -6.2(a)(1). I agree.

Additionally, because I concur with the ALJ's conclusion, I also find that Petitioner has caused his own homelessness by failing to pay his subsidized rent, without good cause, which resulted in eviction, and as such, I hereby affirm the Agency's imposition of a six-month EA ineligibility penalty upon Petitioner. See Initial Decision at 4-7; see also N.J.A.C. 10:90-6.1(c)(3)(iii). Petitioner is advised that his six-month EA ineligibility penalty shall run from July 11, 2023, the effective date of the Agency's denial, through January 11, 2024. See Exhibit R-5.

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 the Agency's determination, based on the discussion below.

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

Officially approved final version.

October 12, 2023

Natasha Johnson

Assistant Commissioner

