



State of New Jersey

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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 10433-23 G.D.

AGENCY DKT. NO. C112700015 (OCEAN COUNTY BOARD 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 caused his own homelessness by continuing to live in a residence that he knew he was not permitted to reside in. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 13, 2023, the Honorable Kimberley M. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open until October 16, 2023, to allow Petitioner the opportunity to submit additional documentation. No documentation was submitted, and the record then closed on that date.

On October 16, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had been living in his father's home, located in an adult residential community for people fifty-five and older, which home his father needed to move back into. See Initial Decision at 2-3; see also Exhibit R-4. By court order, Petitioner was first required to leave his father's residence by August 31, 2022, which date was then extended by court order to June 21, 2023. See Initial Decision at 2-5, 8; see also Exhibits R-3, and R-5 through R-7. Petitioner is currently homeless. See Initial Decision at 5; see also Exhibit R-2. The ALJ found that Petitioner had known for at least a year, if not more, that he was not permitted to continue to reside in his father's fifty-five and older residential community housing, yet he had failed to search for alternative housing. See Initial Decision at 6-8; see also Exhibits R-3, and R-5 through R-7. Further, the record is devoid of any documentation provided by Petitioner to establish that his emergency was due to circumstances beyond his control, or that he lacked the capacity to plan for alternative housing. See Initial Decision at 4; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c)(1). Based on the foregoing, the ALJ concluded that Petitioner had caused his own homelessness, without good cause, and as such, further concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 4-5, 8-9; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). I agree. Additionally, the ALJ found that Petitioner was not a Work First New Jersey, nor



a Supplemental Security Income, benefits recipient, and on that basis, also found Petitioner ineligible for EA benefits. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.2(a).

Officially approved final version.      October 26, 2023

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Natasha Johnson  
Assistant Commissioner

