



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 **08190-23 G.M.**

AGENCY DKT. NO. **C049789021 (WARREN CO. DIV TEMP ASST & 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 she was evicted from her apartment due to failure to make monthly payments of \$75 to her landlord, per court agreement, for damages done to her apartment, thereby causing her own homelessness, and that her emergency was not due to circumstances beyond her control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 31, 2023, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 31, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had been evicted from her apartment due to nonpayment of \$75 per month to her landlord, per court agreement, for damages done to her apartment. See Initial Decision at 2-4; see also Exhibits R-5, R-6, R-7, R-8. The ALJ found that Petitioner was not homeless due to circumstances beyond her control, as her monthly income from Work First New Jersey/General Assistance benefits was sufficient enough to pay said monthly payments of \$75, but failed to do so, and that she had failed to provide any credible testimony or documentary evidence to demonstrate good cause for failing to make such payment. See Initial Decision at 2-4; see also N.J.A.C. 10:90-6.1(c). Based on the testimony and evidence presented, the ALJ concluded that Petitioner had caused her own homelessness, and 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; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c) (3)(v), (vi). I agree.

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, 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, if it has not done so already.

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

Officially approved final version. September 12, 2023

Natasha Johnson
Assistant Commissioner

