



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 **06506-23 J.C.**

AGENCY DKT. NO. **C141527009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner's application for an extension of EA benefits, and imposed a six-month EA ineligibility penalty, contending that she failed to utilize her Supplemental Security Income ("SSI") benefits income to pay her monthly subsidized rent, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An emergent telephonic hearing was initially scheduled for July 26, 2023. On that date, the parties appeared, but Petitioner requested, and was granted, an adjournment, stating that she had less than one hour notice of the hearing, and was not feeling well, and was not prepared to proceed. The next day, on July 27, 2023, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On July 28, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, an SSI benefits recipient, has received fourteen months of EA benefits, in the form of retroactive rental payments and temporary rental assistance ("TRA"), comprised of the twelve-month lifetime limit of EA, plus an additional two months of EA. See Initial Decision at 2; see also Exhibit R-3, and N.J.A.C. 10:90-6.4(a), (b). Petitioner filed an application for an extension of EA/TRA benefits, seeking Agency's assistance to pay the portion of her monthly rent in the amount of \$356, for the months of April, 2023, May, 2023, and June, 2023. On April 17, 2023, the Agency denied Petitioner's application for an extension of EA/TRA benefits, contending that she had sufficient income to pay her affordable monthly rent, and that she had caused her homelessness. See Initial Decision at 2; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.1(c)(3). Petitioner argues that in addition to the assistance she is receiving from her health insurance company by way of a home health aide for ten hours per week, she used a portion of her SSI monthly benefits to pay for extra personal help, in the form of help to move around the house, transportation, and counseling for her psychiatric problems. See Initial Decision at 3.

The ALJ found that, while Petitioner testified that she owes months of back rent, she did not present any evidence of an actual or imminent eviction. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c). The ALJ also found that Petitioner provided no evidence that she used her SSI income to pay for the additional assistance related to her counseling, and other assistance, that there was no medical evidence submitted relative to physical or mental disability, and there was no evidence submitted as to the basis for the ten hours of assistance provided by Petitioner's health insurance company. See Initial Decision at 6, 7. The ALJ further found that, even if Petitioner was paying \$200 per month for additional assistance, it was unclear why Petitioner, receiving \$945 per month in SSI benefits, was unable to pay her rent of \$356, as a surplus of \$589 per month would remain. *Id.* at 6.



Based on the foregoing, the ALJ concluded that the Agency's denial of an extension of EA benefits to Petitioner was proper and must stand. See Initial Decision at 7; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). I agree. Furthermore, because I concur with the ALJ's finding that Petitioner caused her own homelessness, without good cause, I also affirm the Agency's imposition of a six-month period of ineligibility for EA benefits. See Initial Decision at 7; see also Exhibit R-1 at 7, and N.J.A.C. 10:90-6.1(c)(3). Petitioner's EA ineligibility penalty shall run from April 17, 2023, the effective date of the Agency's denial, through October 16, 2023. See Exhibit R-1.

Exceptions to the Initial Decision were filed by Petitioner on August 1, 2023.

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, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Moreover, Petitioner included documents with her Exceptions which were not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her 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. August 1, 2023

Natasha Johnson
Assistant Commissioner

