



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **08350-23 S.T.**

AGENCY DKT. NO. **C655312007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that her emergency was not due to circumstances beyond her control, and that she had the capacity to plan to avoid her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 1, 2023, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 5, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner is facing eviction due to nonpayment of her portion of the rent for the months of January 2022, through June 2022, and that she had failed to look for, or secure, more affordable housing when she had known for two years, that said housing was unaffordable. See Initial Decision at 2; see also Exhibits R-9 through R-11, R-13, R-17, R-18. Petitioner also testified that she had not paid her portion of the rent from May 2023, through September 2023. See Initial Decision at 2. Of note, the Department of Community Affairs had been subsidizing her rent from March 21, 2021 through April 2023. See Initial Decision at 3; see also Exhibits R-1, R-3. The ALJ found that Petitioner has not looked for employment since 2022, rather, indicating that she is self-employed and has no plans to seek employment, regardless of the fact that her business has not earned income in the ten months since its creation. See Initial Decision at 3. Based on the foregoing, the ALJ found that Petitioner was not homeless due to circumstances beyond her control, and that she had the capacity to plan to avoid her homelessness, as she had known that she was obligated to pay her portion of the housing rent, yet had failed to seek employment, had known that her apartment was unaffordable, and had known for two years that she needed to find more affordable housing, but failed to do so. See Initial Decision at 2-3. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 3-4; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). I agree.

No Exceptions to the Initial Decision were filed.



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.

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

Officially approved final version. September 13, 2023

Natasha Johnson
Assistant Commissioner

