



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 **00500-23 T.F.**

AGENCY DKT. NO. **C154381003 (BURLINGTON 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 was evicted from subsidized housing due to non-payment of rent, thereby causing his own homelessness, that his emergency was not due to circumstances beyond his control, and that he had the capacity to plan to avoid his emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 27, 2023, but was adjourned to March 8, 2023, to allow Petitioner the opportunity to obtain the Agency's fair hearing documents, which she had not yet received. The March 8, 2023, hearing was again adjourned because Petitioner had not yet obtained the fair hearing documents. On March 15, 2023, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 29, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had been evicted from affordable housing due to non-payment of the rent. See Initial Decision at 3, 6; see also R-A at 9-17. The ALJ found that Petitioner had sufficient Supplemental Security Income ("SSI") benefits income to pay his rent, but he failed to do so, and therefore, he was not homeless due to circumstances beyond his control, and that he had the capacity to plan to avoid his homelessness. See Initial Decision at 3-4, 6; see also Exhibit R-C at 41-45. Although Petitioner claimed that his rent had been raised and was no longer affordable, and it was for this reason that he did not pay his rent, the ALJ found that Petitioner had failed to substantiate that claim. See Initial Decision at 4, 6. Based on the testimony and evidence presented, the ALJ concluded that Petitioner had caused his own homelessness, and that the Agency's denial of EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 6-7; see also Exhibit R-D at 46-50, and N.J.A.C. 10:90-6.1(c)(3). I agree.



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, Petitioner is advised that his six-month EA ineligibility penalty shall begin to run from December 22, 2022, the effective date of the Agency's denial of EA benefits, through June 21, 2023. See Exhibit R-D at 47.

By way of further 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. May 16, 2023

Natasha Johnson
Assistant Commissioner

