



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **06282-23 Y.H.**

AGENCY DKT. NO. **S517194012 (MIDDLESEX 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 she was evicted from subsidized housing due to non-payment of rent, 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 July 20, 2023, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 21, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner had been evicted from her Section 8 subsidized housing due to, among other things, nonpayment of her portion of the rent since August 26, 2022. See Initial Decision at 2-3, 5; see also Exhibits R-3, R-4, R-5, R-6. The ALJ found that Petitioner was not homeless due to circumstances beyond her control, as her monthly income was, and is \$945.25, her portion of the monthly subsidized rent was \$140, and she admitted that she had sufficient income to pay her rent, yet had failed to provide any credible testimony or documentary evidence to demonstrate good cause for failing to pay her rent. See Initial Decision at 3-4, 6-7; see also Exhibit R-7, R-9. 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 was proper and must stand. See Initial Decision at 7-8; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c)(3)(ii). I agree.

Additionally, because I concur with the ALJ's aforementioned conclusion, I find that the Agency's imposition of a six-month EA ineligibility penalty was also proper and must stand. See Initial Decision at 8; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner is advised that her six-month EA ineligibility penalty



shall begin to run from May 31, 2023, through November 30, 2023. See Exhibit R-8. The Initial Decision is modified to reflect this finding.

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 MODIFIED, and the Agency's determination is AFFIRMED.

Officially approved final version. August 3, 2023

Natasha Johnson
Assistant Commissioner

