



## State of New Jersey

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*Governor*

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 12980-23 Y.K.

AGENCY DKT. NO. C130598008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, including Temporary Rental Assistance ("TRA") in the form of back rent, 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 had sufficient income to pay her rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 28, 2023, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 29, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, and providing a detailed and well thought out analysis, applying law to fact. See Initial Decision at 2-9. Specifically, the ALJ found that, at the times at issue, Petitioner had a total monthly household income of \$14,870 for the second and third quarters of 2023, and that her household had received tax refunds in the approximate combined amount of \$8,000 in February 2023. See Initial Decision at 6-7, 9; see also P-1, P-2, P-3, R-1 at 10-13. The ALJ also found that Petitioner's monthly rent was \$1,025 per month for the lease ending in February 2023, and \$1,066 per month for the new lease, which commenced on March 1, 2023. See Initial Decision at 6. However, the record indicates that Petitioner failed to pay her full rent due for several months, resulting in eviction in mid-October 2023. *Id.* at 7, 9; see also Exhibit R-2. The record also reflects that Petitioner had failed to provide any proofs to the Agency as to how she had spent that household income. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(1)(ii). Further, the ALJ found that, as Petitioner had been evicted from her apartment in mid-October 2023, her request for EA/TRA in the form back rent was now moot. See Initial Decision at 9. Based on the foregoing, the ALJ found that Petitioner had sufficient funds to pay her rent, but failed to do so, without good cause, thereby causing her own homelessness. *Ibid.* Accordingly, the ALJ concluded that the Agency's denial of EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. *Ibid.*; see also Exhibit R-1 at 4-5, and N.J.A.C. 10:90-6.1(c)(3)(v). 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, Petitioner is advised that her six-month EA ineligibility penalty shall run from October 30, 2023, the effective date of her EA benefits denial, through April 30, 2024. See Exhibit R-1 at 4-5.

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. December 07, 2023

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Natasha Johnson  
Assistant Commissioner

