



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 14188-23 A.G.

AGENCY DKT. NO. S655672012 (MIDDLESEX COUNTY BD. 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 and prospective rent, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA/TRA benefits, and imposed a six-month EA ineligibility penalty, contending that he had sufficient funds to pay his rent, but failed to do so, had the capacity to plan to avoid his emergent situation, and that his emergent situation was not due to circumstances beyond his control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 28, 2023, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On December 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 2-8. Specifically, the ALJ found that, at the times at issue, Petitioner had available funds in the amount of at least \$29,000, obtained through a personal loan. See Initial Decision at 4, 6; see also Exhibits R-4, R-5, R-8. The ALJ also found that Petitioner's monthly rent was \$1,597.90 per month, yet he failed to pay his monthly rent out of any of those available funds for the months of July, August, September, October, and November, 2023, totaling \$8,666.02, resulting in a pending eviction. See Initial Decision at 5; see also Exhibit R-3. The record reflects that Petitioner had provided the Agency with documentation demonstrating that he had spent said available funds to pay down credit card debt in the amount of \$17,700, and to pay back his friend for a \$5,000 loan. See Initial Decision at 4-7; see also Exhibits R-6, R-7. Based on the foregoing, the ALJ concluded that Petitioner had sufficient funds to pay his rent, and that he had the capacity to plan to avoid his emergent situation, yet had exercised poor judgment by using his funds to pay for non-essential living expenses. See Initial Decision at 4, 7-8, and N.J.A.C. 10:90-6.1(c)(1)(ii). Accordingly, the ALJ also concluded that Petitioner was not homeless or imminently homeless due to circumstances beyond his control, and as such, determined that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month



EA ineligibility penalty, were proper and must stand. See Initial Decision at 8; see also Exhibit R-9, 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 his six-month EA ineligibility penalty shall run from October 16, 2023, the actual effective date of his EA benefits denial, through April 16, 2024. See Exhibits R-1, R-9.

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. January 16, 2024

Natasha Johnson
Assistant Commissioner

