



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 **01623-24 K.A.**

AGENCY DKT. NO. **S605045012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that his request for both back rent and EA/Temporary Rental Assistance ("TRA"), in the form of a security deposit, as well as prospective rent for an apartment concurrently was not permitted. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 12, 2024, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 13, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination, on other grounds. Here, based on the credible evidence and the application of the relevant law, the ALJ concluded that Petitioner is not currently homeless or imminently homeless, and that he had the capacity to plan to avoid his emergent situation, but failed to do so. See Initial Decision at 2-4; see also N.J.A.C. 10:90-6.1(c). Specifically, the ALJ found that Petitioner had failed to present any documentary evidence of eviction proceedings or court orders indicating that he was homeless or imminently homeless, required for EA benefits eligibility. See Initial Decision at 2-5; see also N.J.A.C. 10:90-2.2(a)(5), -6.3(a)(1)(ii). Further, the ALJ found that, even if Petitioner was facing a state of homelessness or imminent homelessness, he failed to prove that he lacked the realistic capacity to plan, as he had failed to provide the Agency with the required documentation to show where he had spent his earned and unearned income, in order to substantiate his claim that he did not have money to pay his rent. See Initial Decision at 2-5; see also N.J.A.C. 10:90-2.2(a)(5), -6.1(c)(1)(ii). On the foregoing bases, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibits R-7, R-8. I agree. Further, in accordance with regulatory authority set forth at N.J.A.C. 10:90-6.1(c), the ALJ found that a six-month EA ineligibility penalty does not apply in this instance. See Initial Decision at 5. I also agree.

Exceptions to the Initial Decision were filed by Petitioner on February 14, 2024.

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, I also concur with the Agency's denial of EA benefits on the basis that regulatory authority does not permit the payment of back rent, as well as TRA for an apartment, concurrently, as requested by Petitioner, and that Petitioner was required to request EA for either back rent or TRA, but failed to do so. See Exhibit R-7 through R-9; see also N.J.A.C. 10:90-6.1(a).



By way of further comment, should Petitioner's circumstances change and he becomes either homeless or imminently homeless, he is advised that he may reapply for EA benefits. Petitioner is further advised that he must provide the Agency with all requested documentation required to determine his EA benefits eligibility. See N.J.A.C. 10:90-2.2(a)(5), -6.1(c)(1)(ii), and -6.3(a)(1)(ii).

Also by way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. February 22, 2024

Natasha Johnson
Assistant Commissioner

