



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 **01602-24 K.B.**

AGENCY DKT. NO. **C145072004 (CAMDEN-CCBSS)**

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 has sufficient funds, and had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 9, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 12, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner had been evicted from subsidized housing due to the non-payment of rent. See Initial Decision at 2-5; see also R-1 at 4-5. The ALJ found that Petitioner had sufficient income, and the opportunity to pay her rent prior to the eviction, but she failed to do so, and as such, she had the capacity to plan to avoid her homelessness, and was not homeless due to circumstances beyond her control. See Initial Decision at 2, 4-6; see also Exhibit R-1 at 10-24, and N.J.A.C. 10:90-6.1(c). The ALJ also found that Petitioner had failed to provide any good cause reasons for her failure to make her monthly rental payments. See Initial Decision at 3, 5. Of note, the record is devoid of any documentation provided by Petitioner to demonstrate that her available funds were exhausted on items deemed appropriate and necessary for decent living, a requirement to determine the lack of capacity to plan. See Exhibit R-1 at 7, and N.J.A.C. 10:90-6.1(c)(1)(ii). Based on the testimony and evidence presented, the ALJ concluded that Petitioner had caused her own homelessness, without good cause, 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 5-6; see also R-1 at 6-9, and N.J.A.C. 10:90-6.1(c)(3)(ii). 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 her six-month EA ineligibility penalty shall run through March 25, 2024, as stated in the Agency's denial notice. See Exhibit R-1 at 7.

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. February 21, 2024

Natasha Johnson
Assistant Commissioner

