



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 13611-24 K.J.

AGENCY DKT. NO. **C049644005 (CAPE MAY 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's EA benefits, and imposed a six-month EA ineligibility penalty, contending that his emergency was not beyond his control, and thereby, he had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 3, 2024 the Honorable Mamta Patel, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record closed. On October 4, 2024, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, EA benefits shall not be provided for a period of six months "when an adult EA applicant or recipient has caused his or her own homelessness, without good cause[.]" Specifically, an applicant/recipient is ineligible for EA benefits for a period of six months when the applicant's behavior directly caused the emergent situation. See N.J.A.C.10:90-6.1(c)(3)(vii).

Here, the ALJ found, and the record substantiates, that Petitioner's emergent circumstances were not beyond his control, and that he had thereby caused his own homelessness. See Initial Decision at 2-4; see also Exhibit R-1 at 14-19, and N.J.A.C. 10:90-6.1(c)(3)(vii). Specifically, the ALJ found that Petitioner's emergent situation was a result of his act(s) of domestic violence, which led to a temporary restraining order ("TRO"), which became a final restraining order ("FRO"). See Initial Decision at 2-3; see also Exhibit R-1 at 21-24. Further, because Petitioner violated the terms of the TRO, which prohibited him from returning to the home he previously shared with his girlfriend, he was incarcerated from February 21, 2024, through August 23, 2024. See Initial Decision at 2-3; see also Exhibit R-1 at 26. Based on the foregoing, the ALJ concluded that Petitioner's behavior directly caused his eviction from his housing, and as such, that he had caused his own homelessness. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.1(c)(3)(iv). Accordingly, the ALJ concluded 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 3-4. I agree.

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



Officially approved final version. October 24, 2024

Natasha Johnson
Assistant Commissioner

