



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 **00777-24 M.T.**

AGENCY DKT. NO. **C185743015 (OCEAN COUNTY BOARD 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 EA benefits, and imposed a six-month EA ineligibility penalty, contending that she was terminated from Section 8 subsidized housing for non-payment of rent, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 23, 2024, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On January 24, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record indicates that Petitioner had previously applied for EA benefits on August 25, 2023. See Initial Decision at 3. The record also indicates that the Agency had denied Petitioner's application for EA benefits and imposed a six-month period of ineligibility for EA benefits from August 25, 2023, through February 25, 2024, contending that she had caused her own homelessness by being evicted from Section 8 housing for failure to pay pursuant to a court ordered payment plan for back due rent. *Id.* at 1-4. It does not appear that Petitioner appealed that denial, but rather, reapplied for EA benefits on December 18, 2023. *Id.* at 2; see also Exhibit R-2. By notice dated December 19, 2023, the Agency again denied EA benefits to Petitioner, contending that she had caused her own homelessness, and that a six-month EA ineligibility penalty had previously been imposed upon her through February 25, 2024. See Initial Decision at 3-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(ii). This appeal followed.

Here, in relevant part, the record reflects that Petitioner resided in Section 8 subsidized housing, and had admitted that she was evicted from said housing due to nonpayment of court ordered back rent. See Initial Decision at 2-3, 5; see also Exhibit R-2. Moreover, the record reflects that Petitioner's Section 8 voucher was still active for some months after her eviction, yet she failed to utilize her Section 8 housing voucher within that active period, and her voucher expired. See Initial Decision at 3, 5. Petitioner's only claim for EA benefits is that since she has been found eligible for Work First New Jersey/General Assistance ("WFNJ/GA") benefits, she should be eligible for EA benefits. *Id.* at 5; see also Exhibit R-8. Based on the evidence and testimony presented, the ALJ concluded that Petitioner had caused her own homelessness, had not demonstrated good cause as to her homeless circumstances, and accordingly, concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty from August 25, 2023, through February 25, 2024, were proper, and must stand. See Initial Decision at 8-9; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(ii). 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, 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 14, 2024

Natasha Johnson
Assistant Commissioner

