



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director

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 16900-18 C.R.

AGENCY DKT. NO. C184282020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner ("G.R.") 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 he caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 29, 2018, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 30, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that G.R.'s household consists of himself, his wife ("C.R.") and their three children. See Initial Decision at 2. Although C.R. is part of G.R.'s household, she is not part of G.R.'s assistance unit and is ineligible for Work First New Jersey ("WFNJ") and EA benefits because she has only been a legal permanent resident of the United States for four years. Ibid. G.R. has been unemployed for 18 months, and continues to be unemployed. Id. at 2, 4. Prior to G.R.'s application for WFNJ and EA benefits, C.R. was working and the household's only source of income, and G.R. was solely responsible for the care of their children while C.R. worked. Id. at 3-4. However, due to marital difficulties, G.R. left the household, which resulted in C.R. immediately quitting her job due to lack of child care. Ibid. Upon G.R.'s return to the household, he applied for EA benefits because the household now had no income to pay the rent and they were facing eviction. Ibid.; see also Exhibits P-1, P-2. The ALJ found that neither G.R., nor C.R., attempted to make other arrangements for the care of their children so that C.R. could continue to work. See Initial Decision at 4, 6. The ALJ also found that G.R. had caused his emergent situation when he left the household and never tried to find another solution for child care, which would have allowed C.R. to keep her job. Id. at 5-6. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to G.R. was proper and must stand. Id. at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of G.R., on December 3, 2018.

As the Director of the 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.

Additionally, because I concur with the ALJ's conclusion that G.R. caused his own homelessness, I hereby affirm the Agency's imposition of a six-month EA ineligibility penalty upon G.R. See Initial Decision at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). The six-month EA ineligibility penalty shall run from September 19, 2018, through March 19, 2019. See Exhibit R-1.

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



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Officially approved final version.

DEC 07 2018

Natasha Johnson

Director

