



State of New Jersey

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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 00013-18 E.E.

AGENCY DKT. NO. C218023016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits contending that her rent was more than three months past due, that her rent is unaffordable going forward and, that she owns real estate in another country. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 8, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 10, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner receives \$140 in monthly Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and \$194 in monthly Supplemental Nutrition Assistance Program ("SNAP") benefits. See Initial Decision at 3. Petitioner's monthly rent is \$900. *Ibid.*; see also Exhibit P-1 at 2. Petitioner has been unemployed since June 2015, and has been paying her rent from July 2015, through April 2017, by accepting regular and recurring gifts from several financial supporters. See Initial Decision at 3. However, Petitioner advised her financial supporters that she would be seeking public assistance for payment of her rent, and admitted that it was this declaration of her intent that caused them to withdraw their financial support. *Id.* at 3-4. At the time of the hearing, Petitioner was eight months behind in her rent, and facing eviction. *Id.* at 1; see also Exhibit P-1.

The ALJ found that Petitioner caused her own homelessness by telling her financial supporters that she was seeking public assistance as a means to pay her rent, which resulted in her regular support from those non-public sources to cease, and as such, the ALJ concluded that Petitioner's current circumstances were not beyond her control. See Initial Decision at 3-4, 7-8. The ALJ also found that Petitioner is more than three months behind in her rent, that the rent receipts she produced to refute this appeared altered, and therefore of no probative value, and that there were no extraordinary circumstances that warranted the granting of eight months of past due rent. *Id.* at 3-4; see also Exhibits P-1, P-2. Further, the ALJ found that it cannot be anticipated that Petitioner's rent will again become affordable upon payment of her back rent, concluding that the Agency correctly determined that Petitioner's \$900 per month rent is unaffordable. See Initial Decision at 2, 4, 6, and 8. The record also reflects that Petitioner failed to disclose her interest in real estate, located in another country, which could affect her eligibility for EA benefits. *Id.* at 4-5, 8-9; see also N.J.A.C. 10:90-3.10(a), (b), (c), and -6.2(a). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 7-9; see also Exhibit J-1, and N.J.A.C. 10:90-6.1(c), -6.3(a) (5)(i), (6). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on January 12, 2018.



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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.

By way of comment, because I concur with the ALJ's conclusion that Petitioner caused her own emergent situation, I hereby impose upon her a six-month period of ineligibility for EA benefits, from December 14, 2017, the date of the Agency's denial of EA benefits, through June 13, 2017. See Exhibit J-1; see also N.J.A.C. 10:90-6.1(c)(3).

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

Also 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.

Natasha Johnson
Director

