



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 11969-18 R.M.

AGENCY DKT. NO. C152067015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he had sufficient income to pay his rent, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 24, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 27, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination, but declining to impose a six-month period of ineligibility for EA benefits.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Here, Petitioner resided in subsidized housing, with his portion of the monthly rent being \$209. See Initial Decision at 2, 6. Petitioner's monthly Supplemental Security Income ("SSI") and Social Security Disability Insurance benefits total \$737.68. *Ibid.*; see also Exhibit R-5. Petitioner was the only tenant authorized to live in the subsidized housing, however, Petitioner's wife and disabled son came to live with him, both of whom receive SSI benefits, which brought Petitioner's total household income to \$1,951.61 until August 1, 2018, and then reduced to \$1,894.10 thereafter. See Initial Decision at 2, 6; see also Exhibits R-4, R-6, and R-7. As a result of having unauthorized persons residing in the apartment, Petitioner violated his subsidized housing agreement and his monthly rent increased to the full amount of \$996 per month. See Initial Decision at 2, 6; see also Exhibit R-4. Although Petitioner's household had sufficient income to pay the rent, the rent was not paid, and Petitioner, along with his family, was evicted. See Initial Decision at 4; see also Exhibit R-10. Petitioner testified that he failed to pay his rent because he had cable bills, cell phone bills, and expenses for the purchase of food on his trips to Philadelphia, which were required twice a week for his disabled son's medical care. See Initial Decision at 5-6. Based on the foregoing, the ALJ concluded that Petitioner had caused his



own homelessness, and affirmed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 11-12; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.1(c)(3). However, based on Petitioner's particular circumstances, the ALJ further concluded that Petitioner should not be subject to the six-month period of ineligibility for EA benefits. See Initial Decision at 9-12; see also N.J.A.C. 10:90-6.1(c)(3).

I respectfully disagree with the ALJ's conclusion regarding the imposition of the six-month EA ineligibility penalty. Ibid. Rather, in this instance, I find that Petitioner's expenses are not expenses that are deemed necessary or reasonable, that there was no evidence that Petitioner lacked the ability to plan and prevent his homelessness, and as such, Petitioner did not have good cause for failing to pay his rent. See Initial Decision at 5-6, 9. Therefore, regulatory authority requires that a six-month EA ineligibility penalty be imposed. See N.J.A.C. 10:90-6.1(c)(1)(ii) and -6.1(c)(3)(v), (vi). Accordingly, I hereby impose upon Petitioner a six-month EA ineligibility penalty which shall run from June 13, 2018, the date of the Agency's denial of EA benefits to Petitioner, through December 12, 2018. See Exhibits R-1, R-2. The Initial Decision is modified to reflect this finding.

By way of comment, as it appears from the record that Petitioner is a good candidate for the Social Services for the Homeless ("SSH") program, I direct the Agency to refer Petitioner to SSH, on an expedited basis.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED.

Officially approved final version.

AUG 30 2018

Natasha Johnson
Director

