



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 00171-18 V.B.

AGENCY DKT. NO. C225176009 (HUDSON COUNTY DEPT OF FAM 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 had the income and capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 11, 2018, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 12, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner was ordered to vacate her apartment by December 12, 2017, pursuant to a Warrant of Removal, and owed three months of back rent for October, November, and December of 2017. See Initial Decision at 3; see also Exhibit R-8. On December 22, 2017, after having been locked out of her apartment by her landlord, Petitioner applied for EA benefits in the form of Temporary Rental Assistance to pay her back rent. See Initial Decision at 3; see also Exhibits R-2, R-12. However, the Agency denied Petitioner's application for EA benefits, and imposed a six-month EA ineligibility penalty, finding that Petitioner had funds to pay her rent and avoid homelessness, but had used those funds for other purposes. See Initial Decision at 3-5; see also Exhibit R-1. Indeed, the record reflects that in November of 2017, Petitioner earned \$3,377 from a former employer, and used a portion of the money, that could have been used to pay rent, for unnecessary purchases. See Initial Decision at 7; see also Exhibits R-10, R-14. Based on the foregoing, the ALJ found that Petitioner had sufficient funds to pay her back rent, and had the realistic capacity to plan to avoid eviction, but failed to do so, thereby causing her own homelessness. See Initial Decision at 6-7; see also N.J.A.C. 10:90-6.1(c)(1), (3). Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, was proper and must be affirmed. See Initial Decision at 7; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and Initial Decision in this matter and, having made an independent evaluation of the record, I concur with the ALJ's Initial Decision and hereby adopt the Findings of Fact and Conclusions of Law.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from January 2, 2018, the date of the denial of EA benefits to Petitioner, through July 2, 2018. See Exhibit R-1.

By way of further 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.



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

Officially approved final version.

JAN 24 2010

Natasha Johnson

Director

