



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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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 09152-20 F.T.

AGENCY DKT NO C157133015 (OCFAN 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 failed to plan for housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 6, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On October 7, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that the Agency had provided legally competent evidence that Petitioner had lived with his girlfriend in a publicly subsidized apartment for the past two years, and that he had known during that time that he was not permitted to reside there. See Initial Decision at 2-6; see also Exhibit R-6, and N.J.A.C. 17:27-15.5. In May 2020, Petitioner's girlfriend's landlord discovered that Petitioner was living in the apartment, and demanded that he leave. See Initial Decision at 2-3. Petitioner has since been temporarily residing with friends and family. *Id.* at 3. The ALJ also found that Petitioner had not shown that he had made any effort to secure his own during such time that he had resided with his girlfriend. *Id.* at 4-5. Based on the foregoing, the ALJ concluded that Petitioner's homelessness was not due to circumstances beyond his control, and as such, further concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). 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, because I concur with the ALJ's conclusion in this matter, I hereby impose upon Petitioner a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from August 27, 2020, the effective date of the Agency's denial, through February 26, 2021. See Exhibit R-1.



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

Officially approved final version. OCT 15 2020

Natasha Johnson
Assistant Commissioner

