



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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 **02470-22 J.E.**

AGENCY DKT. NO. **C437902016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA benefits, contending that she had moved to New Jersey ("NJ") without a plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 5, 2022, the Honorable Susana Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 6, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 MODIFY the Agency's determination, based on the discussion below.

EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause[.]" N.J.A.C. 10:90-6.1(c)(3).

Here, the ALJ found that Petitioner had arrived in the United States from Germany, resided temporarily with a friend in New York, where she had been receiving public assistance benefits, and then moved to NJ without a concrete plan for employment or without a plan for reliable housing. See Initial Decision at 2-3; see also Exhibit R-1 at 4, 6-9. The ALJ also found that Petitioner had not provided convincing testimony, or evidence, to substantiate her claim that her emergency situation was not the result of her failure to plan. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 4; see also Exhibit R-1 at 3, and N.J.A.C. 10:90-6.1(c). I agree.

Additionally, because I concur with the ALJ's conclusion, I find that Petitioner caused her own homelessness, and as such, hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also Exhibit R-1 at 3, and N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from March 1, 2022, the effective date of the Agency's denial,



through August 31, 2022. See Exhibit R-1 at 3. The Initial Decision and the Agency's determination are modified to reflect this finding.

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 MODIFIED, and the Agency's determination is also MODIFIED, as outlined above.

Officially approved final version.

April 12, 2022

Natasha Johnson

Assistant Commissioner

