



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 **05821-22 M.W.**

AGENCY DKT. NO. **C174900003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits, the termination of his immediate need assistance, 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 he had the capacity to plan, 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 July 19, 2022, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 20, 2022, the ALJ issued an Initial Decision, affirming the Agency's actions.

Exceptions to the Initial Decision were filed by Petitioner on July 26, 2022, and July 27, 2022.

As Assistant Commissioner, Division of Family Development ("DFD"), 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, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1); see also DFD Instruction ("DFDI") 19-04-01. Of note, the termination of immediate need assistance is not appealable as such assistance is not considered EA benefits. See DFDI 08-11-01 at 4.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, EA benefits shall not be provided for a period of six months "when an adult EA applicant or recipient has caused his or her own homelessness, without good cause[.]" Specifically, an applicant/recipient is ineligible for EA benefits for a period of six months when "[t]he adult applicant's or recipient's behavior directly caused the eviction." See N.J.A.C.10:90-6.1(c)(3)(vii).



Based on an independent review of the record, I find that Petitioner applied for EA benefits on March 8, 2022, and that the Agency had provided Petitioner with immediate need housing assistance pending its approval of his EA benefits application. See Initial Decision at 2; see also Exhibits R-1A, R-1J. During the Agency's review of Petitioner's application for EA benefits eligibility, the Agency discovered that Petitioner had been evicted from an apartment due to being an unauthorized occupant, and for fraudulently altering the apartment lease by adding his name to that lease. See Initial Decision at 2-3; see also Exhibits R-1F, R-1G. Consequently, the Agency denied Petitioner's application for EA benefits, terminated his immediate need assistance, and imposed a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-1I. Petitioner did not dispute the aforementioned facts presented by the Agency, but rather simply argued that the matter regarding the lease was irrelevant. See Initial Decision at 4. Based on the testimony and record provided, I find that Petitioner had the capacity to contact the landlord to have his name put on the lease, but failed to do so, rather having, instead, chosen to fraudulently alter the lease, and as such, I concur with the ALJ's conclusion that Petitioner's behavior had directly caused his eviction. See Initial Decision at 2-5; see also Exhibits R-1F, R-1G, and N.J.A.C. 10:90-6.1(3)(vii). However, based on Petitioner's receipt of immediate need assistance, I conclude that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand, not the Agency's misplaced termination of Petitioner's EA benefits, as concluded by the ALJ. See Initial Decision at 5-6; see also Exhibit R-1I, and N.J.A.C. 10:90-1.3(a), and DFDI 08-11-01 at 4. The Initial Decision is modified to reflect this finding. Further, I agree with the Agency that Petitioner's six-month EA ineligibility penalty shall begin to run from the effective date of the termination of Petitioner's immediate need assistance, July 5, 2022, through January 4, 2023. See Initial Decision at 2; see also Exhibits R-1A, R-1I.

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.

Also by way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is also AFFIRMED, as outlined above.

Officially approved final version.

July 29, 2022

Natasha Johnson

Assistant Commissioner

