



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Elizabeth Connolly
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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 6561-15 A.J.

AGENCY DKT. NO. V901477 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of his application for an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's request and imposed a six-month penalty of EA ineligibility because Petitioner caused his own homelessness and had a realistic capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 12, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 13, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

Neither party filed Exceptions to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision, and the record for this matter, and having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). When an adult EA applicant or recipient has caused his own homelessness, without good cause, for reasons that include the abandonment of permanent affordable housing, EA shall not be provided for a period of six months. See N.J.A.C. 10:90-6.1(c)(3)(vii).

Here, the record indicates that Petitioner is an SSI benefits recipient who has

previously received a total of 36 months of EA. See Initial Decision at 2. On June 13, 2014, the Agency placed Petitioner in a rental property in South River and paid a security deposit and a prorated portion of the June 2014 rent to the landlord on Petitioner's behalf. See Initial Decision at 2; see also Exhibit R-1. At the hearing, Petitioner testified that he voluntarily left the rental property after only "a couple of weeks" because he believed the Landlord "is a drug addict." See Initial Decision at 2. However, the Agency has no record of ever being informed of same by Petitioner. See Initial Decision at 3. Petitioner has lived with his brother, grandmother, and mother intermittently since leaving the apartment. See Initial Decision at 2.

On April 28, 2015, Petitioner applied to the Agency for an additional EA extension, stating that he left the apartment in South River after staying there less than one month because he "found out it was a crack den." See Exhibit R-2. Petitioner also applied for a 24-month Housing Assistance Program ("HAP") extension, alleging that he is disabled, is homeless and does not have a place to stay, and has been clinically/medically diagnosed as mentally and/or physically incapable of caring for himself. See Exhibit R-3 at 2-3.

The Agency determined that Petitioner was ineligible to receive EA effective May 1, 2015 because he is not homeless or imminently homeless due to circumstances beyond his control, for which he had no opportunity to plan. See Initial Decision at 2; see also Exhibit R-7 and N.J.A.C. 10:90-6.1(c). The Agency imposed a six-month EA penalty upon Petitioner in accordance with N.J.A.C. 10:90-6.1(c)(3)(six-month period of EA ineligibility imposed when applicant has caused their own homelessness). The Agency also denied Petitioner's HAP application because he provided no documents to support his claim that he has a history of clinical or medical diagnosis as being mentally and/or physically unable to care for himself. See Initial Decision at 3; see also Exhibit R-8.

Based on the foregoing facts, the ALJ concluded, and I agree, that the Agency properly denied EA to Petitioner because he is not homeless or in imminent danger of becoming homeless. *Ibid.* Further, since Petitioner caused his own homelessness, without good cause, by abandoning permanent affordable housing, he is now subject to a six-month period of EA ineligibility. See N.J.A.C. 10:90-6.1(c)(3).

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's determination in this matter is hereby AFFIRMED.

Signed Copy on File

at DFD, BARA

MAY 21 2015

Natasha Johnson
Director