



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 16532-14 A.M.

AGENCY DKT. NO. C076279 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits and imposition of a six-month period of EA ineligibility because Petitioner lost her subsidized housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 14, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On January 26, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and 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 that 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). No EA benefits shall be provided for a period of six months when an EA applicant or recipient has caused his or her own homelessness, without good cause. See N.J.A.C. 10:90-6.1(c)(3). Lack of good cause includes, among other things, the recipient abandoning permanent affordable housing. N.J.A.C. 10:90-6.1(c)(vii).

Here, Petitioner filed an application for EA in the form of shelter on October 15, 2014. See Exhibit R-1 at 15. The Agency denied the EA application on November 17, 2014. Ibid. Petitioner asserted to the Agency that she lost her subsidized housing when it became unaffordable due to her failure to timely report to her landlord a change in income, resulting in her being charged full-rent that she could not then afford. See Exhibit R-1 at 16. Petitioner also reported to the Agency that because she did not timely report income, she was taken to court by the landlord. See Exhibit R-1 at 17. Petitioner further stated that she was not evicted because she provided the landlord with a letter that she was leaving because she was receiving threats. Ibid.

On November 17, 2014, the landlord provided the Agency with letters that were handwritten by the Petitioner. Id. at 18. Petitioner's handwritten letter, dated January 1, 2014, informed the landlord that she wanted her name removed from the lease because she was relocating, and the February 10, 2014, letter from Petitioner informed the landlord that Petitioner was vacating the apartment and did not want her belongings. See Exhibit R-1 at 18, 45 and 46. Neither of the letters made any mention of the threats that Petitioner alleged during her interviews with Agency personnel. Ibid.

The ALJ concluded that Petitioner had voluntarily relinquished her low cost housing. See Initial Decision at 2. I agree.

Based upon the record in this matter, I find that Petitioner voluntarily, and without good cause, abandoned her subsidized-permanent affordable housing. Thus, the Agency's imposition of a six-month EA penalty was appropriate.

Accordingly, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

MAR 09 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director