



## 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*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*  
Tel. (609) 588-2400

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 16692-15 J.B.

AGENCY DKT. NO. C095587 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she caused her own homelessness by abandoning permanent affordable housing and had a realistic capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 22, 2015, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 23, 2015, the ALJ issued his Initial Decision affirming the Agency's determination.

Exceptions to the Initial Decision were filed on October 23, 2015 by South Jersey Legal Services, Inc. on behalf of Petitioner. A Response to Petitioner's Exceptions was filed by the Agency on October 26, 2015, and a Reply to the Agency's Response was filed by South Jersey Legal Services, Inc. on October 26, 2015.

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

EA shall be provided when the assistance unit is "in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." See N.J.A.C. 10:90-6.1(c). However, when an adult EA applicant or recipient has caused her

own homelessness, without good cause, EA shall not be provided for a period of six

months. See N.J.A.C. 10:90-6.1(c)(3).

The record reveals that Petitioner is a single mother of seven children, who previously resided in HUD subsidized housing in Philadelphia, but was evicted from same for failing to make necessary repairs. See Initial Decision at 2; see also Exhibit P-1. Specifically, on February 23, 2015, the Delaware County Housing Authority notified Petitioner by letter that, effective March 31, 2015, her subsidized housing would end unless she requested an informal hearing within ten days of the date of the letter. See Initial Decision at 2-3; see also Exhibit P-1. Petitioner testified that she sent a hearing request, but that she was denied a hearing because her letter was submitted after the ten-day period had expired. See Initial Decision at 2-3. In addition, Petitioner testified that she had already voluntarily vacated that apartment in January 2015, because of "poor conditions." See Initial Decision at 3.

Based on the testimonial and documentary evidence, the ALJ found that Petitioner caused her own homelessness when she lost her HUD subsidized housing, and that she did not appeal her eviction within ten days, as was required. See Initial Decision at 4; see also Exhibit P-1. Moreover, the ALJ found that Petitioner caused her own homelessness by abandoning her HUD subsidized permanent affordable housing in January 2015, prior to being notified of the impending eviction. *Ibid.* Therefore, the ALJ concluded, and I concur, that the Agency properly denied Petitioner's application for EA because she caused her own homelessness without good cause and, for that reason, the Agency correctly imposed upon Petitioner a six-month period of EA ineligibility. *Ibid.*; see also N.J.A.C. 10:90-6.1(c)(3).

By way of comment, I have reviewed the Exceptions and the Reply to the Agency's Response to Exceptions submitted by South Jersey Legal Services on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

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

NOV 04 2015 *Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director