



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 6435-15 K.W.

AGENCY DKT. NO. C020419 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA application because she caused her own homelessness by failing to pay her subsidized rent resulting in her eviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 1, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 9, 2015, the ALJ issued an Initial Decision affirming the Agency determination.

No exceptions to the Initial Decision were submitted.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and record and ADOPT the ALJ's Initial Decision and AFFIRM the Agency determination.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in relevant part, that the individual must have an "actual or imminent eviction from prior housing, and 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." However, when the recipient causes her own homelessness due to eviction from public and/or subsidized housing for nonpayment of rent, she is ineligible for EA for a period of six months. N.J.A.C. 10:90-6.1(c)(3)(ii).

The record for this matter established that Petitioner was previously a Section 8 housing recipient but was terminated from the program effective May 31, 2014, for failure to pay rent. See Initial Decision at 2. Specifically, Petitioner failed to report her Supplemental Security Income ("SSI") thereby leading to an overpayment in her rent subsidy, which she subsequently failed to repay. See Exhibit R-1 at 13. Petitioner was evicted from her apartment in September of 2014 and, thereafter, resided variously with her mother or her daughters. See Initial Decision at 2; see also Exhibit R-1 at 6. Petitioner applied for and was denied EA on April 10, 2015. See Initial Decision at 2. The ALJ concluded that Petitioner caused her own homelessness and is not currently homeless since she resides with her daughter. Id. at 3. I concur. Petitioner caused her own homelessness and shall be subject to a six month EA penalty as of the date of Petitioner's EA denial, April 14, 2015. See N.J.A.C. 10:90-6.1(c)(3)(ii).

Based upon the foregoing, the Initial Decision in this matter is ADOPTED and the Agency's determination is AFFIRMED.

Signed Copy on File

at DFD, BARA

JUL -1 2015

Natasha Johnson
Director