



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 11479-14 O.B.

AGENCY DKT. NO. GA564794 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of a penalty. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 19, 2014, the Honorable John Shuster III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On September 22, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby AFFIRM the Initial Decision and the Agency determination.

Petitioner receives Work First New Jersey/General Assistance ("WFNJ/GA"), Medicare, Social Security Disability Income, and Supplemental Nutrition Assistance Program, f/k/a the Food Stamp Program, benefits.

Petitioner stopped paying rent in February 2014 and was evicted in July. Petitioner currently lives in a motel paid for by the New Jersey Commission for the Blind and Visually Impaired.

In August 2014, the Agency denied EA, and contends Petitioner caused his own homelessness. N.J.A.C. 10:90-6.1(c)(3)(ii) and (v). I find Petitioner had the

available funds and the capacity to prevent homelessness, abandoned permanent affordable housing and was appropriately subject to a 6-month penalty. N.J.A.C. 10:90-6.1(c)(3)(v) and (vii).

EA is available where 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." N.J.A.C. 10:90-6.1(c).

In relevant part, a lack of realistic capacity to plan exists where the applicant establishes available funds were exhausted on items deemed "appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." N.J.A.C. 10:90-6.1(c)(1)(ii).

EA is not available for a period of 6 months when an applicant has caused his or her own homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3). Specific examples include situations where the applicant had the available funds and the capacity to prevent homelessness, or where the applicant abandoned permanent affordable housing. N.J.A.C. 10:90-6.1(c)(3)(v) and (vii).

In mid-April 2014, the Social Security Administration ("SSA") denied Petitioner's application for Supplemental Security Income ("SSI") benefits because he did not meet applicable income guidelines. Specifically, the SSA found Petitioner had nearly \$40,000.00 on deposit among five bank accounts as of February 1, 2014.

Petitioner did not establish good cause why he did not pay his \$523.00 rent from readily-available funds, or likewise document the apparent exhaustion of these funds before he initially applied for WFNJ/GA and EA in July 2014. N.J.A.C. 10:90-6.1(c)(1)(ii). Petitioner's explains only "that he was mistaken in his belief he would receive [SSI] in March 2014." I note Petitioner will receive \$2,700.00 a month from an annuity beginning in January 2015.

For the foregoing reasons, I AFFIRM the Initial Decision and the Agency determination.

Signed Copy on File
at DFD, BARA

OCT - 8 2014

Jeanette Page-Hawkins
Director