



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 8541-15 S.F.

AGENCY DKT. NO. C211605 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA") and the imposition of penalties affecting her Work First New Jersey ("WFNJ") and EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 23, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 23, 2015, the ALJ issued her Initial Decision affirming the Agency determination.

Exceptions to the Initial Decision were filed on June 24, 2015 by Northeast New Jersey Legal Services, Inc. on behalf of Petitioner. I have reviewed those Exceptions and find that the arguments made therein do not alter my decision in this matter. No Exceptions were filed by the Agency.

As the Director of the Division of Family Development, Department of Human Services, I have considered 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 is a supportive service available 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).

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Here, the record reveals that Petitioner resided in an apartment with her boyfriend and her daughter. See Initial Decision at 1. Petitioner was employed full-time from July 2013 to April 21, 2015, at which time Petitioner was terminated due to an argument with her manager. See Initial Decision at 2. Petitioner claims that the argument occurred because a co-worker hit Petitioner with a door and her manager took no action in response to same. *Ibid.* However, the ALJ noted that Petitioner did not file a police report, nor did she apply for Unemployment Insurance Benefits after she was terminated. See Initial Decision at 2 and 4-5.

At the hearing, Petitioner testified that her loss of employment caused her inability to pay her \$810.00 monthly rent for February, March, and April, 2015. See Initial Decision at 5. However, the ALJ opined that Petitioner was not terminated from her job until April 21, 2015, and, therefore, she had salaried earnings through that date. See Initial Decision at 3. Therefore, the ALJ found that Petitioner was evicted because she chose not to pay her rent for February, March, and April even though she had sufficient income to do so. See Initial Decision at 2-3.

In late May, 2015, Petitioner applied to the Agency for WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") and EA/TRA, benefits. See Initial Decision at 2. On May 27, 2015, the Agency granted Petitioner WFNJ/TANF benefits, but imposed sanctions and penalty periods thereon due to her voluntary quit. See Initial Decision at 3 and Exhibit R-2; see also N.J.A.C. 10:90-1.15.

In addition, on June 3, 2015, the Agency denied Petitioner EA/TRA and assessed a six-month EA ineligibility penalty against her because, by her voluntary quit and her failure to pay February, March, and April rent although she had the means to do so, she caused her own homelessness. See Initial Decision at 2-3 and Exhibit R-3; see also N.J.A.C. 10:90-6.1(c)(3)(v) and -6.1(c)(3)(vi) (assessing a six-month EA ineligibility penalty upon the entire household when an adult EA applicant caused their own homelessness, without good cause, when the applicant had available funds to pay rent and thus the capacity to prevent homelessness but did not do so, and/or when applicant's behavior directly caused eviction).

Based on the foregoing, the ALJ concluded, and I concur, that the Agency's determination to sanction and reduce Petitioner's WFNJ/TANF benefits as a result of her voluntary quit was appropriate. See Initial Decision at 8; see also N.J.A.C. 10:90-1.15. The ALJ further concluded, and I agree, that the Agency properly denied Petitioner EA/TRA, and correctly imposed a six-month EA ineligibility penalty, because Petitioner caused her own homelessness. See Initial Decision at 8; see also N.J.A.C. 10:90-6.1(c)(3). Therefore, I hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination. Petitioner may reapply for EA on December 4, 2015.

In accordance with the ALJ's directive, Initial Decision at 8, a copy of the Initial and Final Decisions in this matter shall be forwarded to the Division of Child Protection and Permanency ("DCP&P"), f/k/a the Division of Youth and Family Services ("DYFS"), to ensure the health, safety, and welfare of Petitioner's child.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

JUL -1 2015

Natasha Johnson
Director