



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

NATASHA JOHNSON  
*Director*

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 11729-18 K.M.

AGENCY DKT. NO. C684369007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he was ejected from one shelter placement and failed to show up at his subsequently-assigned second placement, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 20, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 21, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on May 2, 2018, Petitioner applied for EA benefits. See Exhibit R-1. Petitioner was placed in a shelter, and on August 8, 2018, was ordered to vacate because of a physical altercation with another resident. See Exhibit P-8 at 6. On August 9, 2018, Petitioner again applied for EA benefits. See Exhibit P-6. On that same day, Petitioner was provided with a voucher for another shelter placement, but never appeared at the shelter for intake. See Initial Decision at 3; see also Exhibit R-3. Petitioner stated that he did not appear because he had been turned away by security as it was after 7 p.m.; however, a shelter witness testified that intake was open until 9 p.m. See Initial Decision at 3. On August 10, 2018, the Agency denied Petitioner's application for EA benefits, due to Petitioner's ejection from the first Agency placement, and his failure to show up at the Agency's second placement. See Initial Decision at 2; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c)(3)(vi). Based on the foregoing, and after an opportunity to assess the credibility of the witness testimony presented at the hearing, the ALJ affirmed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 3-4; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Additionally, I further find that Petitioner has caused his own homelessness and hereby impose upon him a six-month period of ineligibility for EA benefits, pursuant to N.J.A.C. 10:90-6.1(c)(3). The six-month EA ineligibility penalty shall run from the date of the Agency's denial notice, August 10, 2018, through February 9, 2019. See Exhibit R-4.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.



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

Officially approved final version.

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Natasha Johnson  
Director

**AUG 27 2018**

