



State of New Jersey

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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 01817-18 M.F.

AGENCY DKT. NO. C322837007 (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 she abandoned shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 6, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits and was placed in a shelter by the Agency. See Initial Decision at 2; see also Exhibit R-3. Petitioner was given a room at the shelter, but within minutes of arrival, she claims to have discovered bedbugs in the room, and although she was offered a room on another floor, she abandoned the shelter placement because the facility would not launder her family's clothes, which she feared might be infested with bedbugs. See Initial Decision at 2. Subsequently, Petitioner found shelter through another agency, but was advised that it was temporary. See Initial Decision at 3; see also Exhibit R-4. Thereafter, Petitioner reapplied for EA benefits, but was denied said benefits by the Agency because she abandoned her original shelter placement, without good cause. See Initial Decision at 3; see also Exhibits R-1, R-2. Based on the evidence provided, the ALJ concluded that Petitioner abandoned the Agency's shelter placement, without good cause, thereby causing her own homelessness. See Initial Decision at 4. The ALJ also concurred with the Agency's determination that Petitioner's claim of domestic violence did not meet the Family Violence Option criteria, and as such, concluded that there was no basis for the granting of EA benefits under N.J.A.C. 10:90-6.1(c) (7). See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper, and imposed upon her a six-month period of ineligibility for EA benefits. *Ibid.*; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3).

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, Petitioner six-month EA ineligibility penalty shall to run from January 29, 2018, the date of the Agency's EA benefits denial, through July 28, 2018. See Exhibit R-1.



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

Officially approved final version.

Natasha Johnson
Director

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