



State of New Jersey

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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 07600-18 M.H.

AGENCY DKT. NO. C117765015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he was evicted from his immediate need shelter placement, thereby causing his own homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 1, 2018, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 4, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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

N.J.A.C. 10:90-1.3(a) states, "All applicants for [Work First New Jersey] WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determines that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made."

Pursuant to N.J.A.C. 10:90-6.1(c)(3)(vi), EA benefits shall not be provided for a period of six months when the adult applicant's or recipient's behavior directly caused the eviction, without good cause.

The record reflects that on May 10, 2018, Petitioner applied for WFNJ/General Assistance ("GA") benefits, and was provided immediate need, in the form of shelter placement, at that time. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-1.3(a). On May 11, 2018, the local police were called to Petitioner's unit because of a disturbance, at which time Petitioner and three unauthorized visitors were removed from the room, resulting in Petitioner's ejection from the immediate need shelter, and the causation of his own homelessness. See Initial Decision at 2; see also Exhibits R-4, R-5, and N.J.A.C. 10:90-6.1(c)(3)(vi). Moreover, the ALJ found, and Petitioner acknowledged, that the



aforementioned incident was in violation of the Client Agreement for Temporary Shelter ("Agreement") executed by Petitioner wherein he acknowledged that he would be ineligible for EA benefits if he were asked to leave the temporary shelter due to threatening and/or disruptive behavior. See Initial Decision at 4; see also Exhibit R-3. Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits to Petitioner was proper and must stand, and imposed upon Petitioner a six-month period of ineligibility for EA benefits. See Initial Decision at 5.

While I agree with the ALJ's ultimate conclusion that Petitioner is ineligible for EA benefits for a period of six-months, I respectfully disagree with the ALJ's finding that Petitioner's violation of his Agreement resulted in a termination of EA benefits. See Initial Decision at 5. Rather, I find that Petitioner had been receiving immediate need housing, immediate need placement is not considered EA benefits, and as such, Petitioner had not been receiving EA benefits subject to termination. See N.J.A.C. 10:90-1.3(a). It is clear from the facts presented that it was Petitioner's own actions which form the basis for the Agency's denial of EA benefits, and that the applicable regulatory basis for the denial of EA benefits to Petitioner, in this instance, is found at N.J.A.C. 10:90-6.1(c)(3)(vi). Therefore, in accordance with N.J.A.C. 10:90-6.1(c)(3)(vi), I hereby impose upon Petitioner a six-month EA ineligibility penalty. The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from May 21, 2018, the date of the Agency's denial, through November 20, 2018. See Exhibit R-1 at 2.

By way of further 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 MODIFIED, and the Agency's action is AFFIRMED.

Officially approved final version.

JUN 15 2018

Natasha Johnson
Director

