



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 13596-18 S.F.

AGENCY DKT. NO. C158986013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 21, 2018, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 24, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Prior to applying for EA benefits, Petitioner was living in his father's home. See Initial Decision at 2. However, based on a letter from Petitioner's father, the Agency determined that Petitioner's behaviors caused his removal from his father's home, and that Petitioner thereby caused his own homelessness. *Id.* at 3; see also Exhibit R-2. As a result, the Agency denied Petitioner's application for EA benefits and imposed a six-month EA ineligibility penalty. See Initial Decision at 2, 4; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c)(3)(vi). The ALJ found that Petitioner's own testimony corroborated the behaviors stated in his father's letter, as the cause for his removal from the home, and therefore, the ALJ determined that Petitioner's behavior had caused his homelessness. See Initial Decision at 3-4; see also Exhibit R-2. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month period of EA ineligibility were proper and must be affirmed. See Initial Decision at 5-6; see also Exhibit R-3. I agree.

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's six-month EA ineligibility penalty shall begin to run from August 14, 2018, the date of the Agency's denial, through February 13, 2019. See Exhibit R-3.

By way of further comment, for clarification, a six-month period of EA ineligibility is not considered a sanction as stated by the ALJ, but rather, is a penalty. See Initial Decision at 6. Particularly, a sanction is generally imposed for failure to comply with a Work First New Jersey ("WFNJ") work activity, and can be cured, and lifted, once a WFNJ benefits recipient comes into compliance. See N.J.A.C. 10:90-4.13. A penalty, or period of ineligibility, however, such as a six-month EA ineligibility penalty or other penalties imposed in the WFNJ regulations, cannot be cured. See N.J.A.C. 10:90-1.15 (imposing upon applicants for WFNJ benefits a 90 day period of ineligibility due to a voluntary cessation of employment), -4.14 (imposing upon WFNJ benefits recipients, a two month period of ineligibility for voluntarily ceasing employment),



-6.1(c)(3) (imposing a six month period of ineligibility for EA benefits for various reasons), -6.3(c) (imposing a six month period of ineligibility for EA benefits due to termination from housing placements, without good cause), -6.6(a) (imposing a six month period of ineligibility for EA benefits for failure to comply with one's service plan).

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

Officially approved final version.

Natasha Johnson
Director

SEP 27 2018

