



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 01369-18 T.R.

AGENCY DKT. NO. C638722007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of shelter placement, and the imposition of a six-month period of EA ineligibility. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she caused her own homelessness by refusing to accept shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 29, 2017, the Honorable Joann LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained opened for Petitioner to provide additional documentation, and then closed on February 1, 2018, when the documentation was not produced.

On February 1, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects Petitioner and her family had to leave their shelter placement because the Agency no longer contracted with that particular shelter. See Initial Decision at 2. As a result, on December 27, 2017, the Agency provided Petitioner with a shelter transfer, for which she and her family would only have to stay one night before being placed in an apartment. See Initial Decision at 2; see also Exhibit R-2. Petitioner failed to show at the shelter, alleging that last year, when placed in a shelter, her children suffered from bed bug bites. See Initial Decision at 2. The ALJ found it is the Agency who determines the most appropriate form of emergency housing, and that Petitioner had refused the shelter offered to her.

See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(a)(1). Moreover, the ALJ found that because Petitioner failed to produce the requested documentation to substantiate her claims, the ALJ could not confirm whether Petitioner's refusal of shelter placement was for good cause. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(3). Based on the foregoing, the ALJ concluded that Petitioner refused shelter placement, without good cause, thereby making her ineligible for EA benefits for a period of six months. See Initial Decision at 3; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3) and -6.3(c). As such, the ALJ determined that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 3-4. 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 run from December 27, 2017, the date on which she refused the Agency's shelter placement. See Exhibit R-2 at 2.



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

FEB - 8 2018

Officially approved final version.

Natasha Johnson
Director

