



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 10877-18 W.H.

AGENCY DKT. NO. C298534016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she voluntarily abandoned her shelter placement without informing the Agency, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 7, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on June 13, 2018, Petitioner left her shelter placement to visit possible apartment rentals, and without notice to the Agency she did not return to the shelter, but rather, opted to stay with her daughter. See Initial Decision at 2; see also Exhibit R-1 at 3. Petitioner testified that she left the shelter because her doctor wanted her to live in a more stable environment before undergoing surgery. See Initial Decision at 2-3. However, Petitioner is unable to live with her daughter for an extended period of time because her daughter is expecting a baby. *Id.* at 3. The ALJ found, and Petitioner does not dispute, that Petitioner abandoned her shelter placement without notice to the Agency, and without good cause. *Ibid.*; see also Exhibit R-1 at 3, 9. Based on the foregoing, the ALJ concluded that Petitioner caused her own homelessness when she abandoned her shelter placement, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:90-6.1(c)(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 reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

By way of comment, because I concur with the ALJ's conclusion that Petitioner caused her own homelessness, I hereby find that the Agency's imposition of a six-month EA ineligibility penalty was also proper and must stand. See Exhibit R-1 at 1; see also N.J.A.C. 10:90-6.1(c)(3). Further, Petitioner's six-month period of ineligibility for EA benefits, shall begin June 13, 2018, the effective date of the Agency's termination of EA benefits, and run through December 12, 2018. *Ibid.*

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



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

Officially approved final version.

AUG 21 2018

Natasha Johnson
Director

