



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **08843-24 A.K.**

AGENCY DKT. NO. **C227729004 (CAMDEN-CCBSS)**

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 she caused her own homelessness by violating Department of Community Affairs ("DCA") regulations, resulting in the termination of her Section 8 housing voucher. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 17, 2024, the Honorable Gauri Shirali Shah, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 31, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-6. Specifically, the ALJ found that Petitioner has disputed DCA's allegations regarding her violation of its' regulations, is in the process of appealing DCA's termination of her Section 8 housing voucher, and as such, the DCA's April 26, 2024, termination of Petitioner's Section 8 housing voucher is only an Initial Decision and not a Final Decision. See Initial Decision at 3-5; see also Exhibits P-1 through P-3. Based on the foregoing, the ALJ found that the Agency's denial of EA benefits, and its imposition of a six-month EA ineligibility penalty, on the basis that Petitioner had caused her own homelessness due to a violation of DCA regulations, was presumptive and premature. See Initial decision at 5-6; see also Exhibits R-1 through R-5. Accordingly, the ALJ concluded that Petitioner had not caused her own homelessness, and therefore, the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty were improper, and must be reversed. See Initial Decision at 6; see also Exhibit R-6. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, in the event that the apartment Petitioner had located is no longer available, or no alternative apartment has been located, Petitioner is advised that it is the that the Agency who "shall determine" the most appropriate form of emergency housing required to address the needs of an EA recipient, which may include shelter placement. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(a)(1).

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



Officially approved final version. August 22, 2024

Natasha Johnson
Assistant Commissioner

