



State of New Jersey

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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 **16046-24 I.G.**

AGENCY DKT. NO. **C200927011 (MERCER 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 he voluntarily abandoned assisted housing, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 19, 2024, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On November 4, 2024, the ALJ issued an Initial Decision, affirming the Agency's termination of EA benefits, and reversing the Agency's imposition of a six-month EA ineligibility penalty.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner had resided in transitional housing following his parole. See Initial Decision at 2; see also Exhibit R-2. Petitioner was facing eviction from said housing because he was "not a good fit" at the rooming housing, and for allegedly violating housing rules, by continuing to allow overnight visitors to stay in his room. See Initial Decision at 2-3; see also Exhibit R-3. Petitioner's landlord gave Petitioner the option to voluntarily leave said housing and receive his security deposit back, or to face eviction. See Initial Decision 2-3. Petitioner chose to voluntarily leave his housing, and consequently, the Agency terminated Petitioner's EA benefits and imposed a six-month EA ineligibility penalty, contending that he had voluntarily left his assisted housing with no place to go, thereby causing his own homelessness. Ibid.; see also Exhibit R-4, and N.J.A.C.10:90-6.1(c)(3). However, the ALJ found that Petitioner had good cause for choosing to leave his housing, and avoid eviction because he was on parole and did not want to be involved in legal proceedings with his landlord which might have jeopardized his parole. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper, but reversed the Agency's imposition of a six-month EA ineligibility penalty concluding that Petitioner had good cause for voluntarily leaving his housing. Id. at 4; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c)(3).

I agree with the ALJ, that Petitioner had good cause for voluntarily leaving his assisted housing, and I also find that Petitioner was being evicted for what appears to be the minor violation of having unauthorized guests stay in his room. Moreover, I find that no one from the Agency, nor any one from the motel placement, with direct knowledge of the alleged incidents, were present at the hearing to attest to the truth of the matter, and no sufficient corroborating



documentary evidence was provided to prove that Petitioner was going to be evicted for violating housing rules, that such housing rules existed or that Petitioner had received notice of said rules, or whether he was being evicted because he just was "not a good fit." See Initial Decision at 2-3; see also Exhibit R-3, and N.J.A.C. 1:1-15.5. Accordingly, I reverse the Agency's termination of Petitioner's EA benefits, and imposition of a six-month EA ineligibility penalty. See Initial Decision at 4; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c)(3). The Initial Decision is modified to reflect these findings.

By way of comment, the Agency shall determine the most appropriate form of EA benefits, which may include shelter placement, however, in this instance the Agency is to take into consideration Petitioner's particular circumstances regarding his shelter placement restriction. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(a)(1).

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as outlined above.

Officially approved final version. November 27, 2024

Natasha Johnson
Assistant Commissioner

