



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 **07430-24 K.B.**

AGENCY DKT. NO. **C721498007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of EA benefits ineligibility. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had voluntarily abandoned housing placement, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 5, 2024, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 5, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 MODIFY the Agency's determination, based on the discussion below.

EA benefits shall not be provided for a period of six months when an applicant/recipient "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

Here, the ALJ found, Petitioner admitted, and the record substantiates, that Petitioner had voluntarily abandoned appropriate Agency housing placement. See Initial Decision at 2; see also Exhibits R-1, R-3, R-10 at 2, and N.J.A.C. 10:90-6.3(a)(1). Petitioner claimed that she had left her housing placement because she felt unsafe. See Initial Decision at 2. However, the ALJ found that Petitioner had failed to provide any documentary evidence, or credible testimony to substantiate her claims. *Ibid.* Of note, the record reflects that Petitioner was offered another shelter placement by the Agency, but that she failed to show up at that placement. *Id.* at 2, 4. Based on the foregoing, the ALJ concluded that Petitioner had abandoned her shelter placement, without good cause. *Id.* at 3-4. Moreover, the ALJ found that Petitioner had failed to provide documentation that she was homeless. *Id.* at 2-3; see also Exhibit R-8 at 2, and N.J.A.C. 10:90-6.1(c). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, was proper and must stand. See Initial Decision at 2-4; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(c). While I agree with the ALJ's ultimate conclusion, I find that regulatory authority N.J.A.C. 10:90-6.3(c), relied upon by the ALJ in reaching her conclusion, is misplaced. See Initial Decision at 3-4. Rather, as the ALJ has concluded that Petitioner had abandoned her shelter placement, without good cause, I find that Petitioner has thereby caused her own homelessness, and as such, the correct relevant regulatory authority in this matter is found at N.J.A.C. 10:90-6.1(c)(3). *Ibid.* The Initial Decision and the Agency's determination are modified to reflect this finding. Additionally, because Petitioner has caused her own homelessness, I find that the Agency's imposition of a six-month EA ineligibility penalty was proper and must stand. See Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3). The Initial Decision is also modified to reflect this finding. Further, I find that



Petitioner's six-month EA ineligibility penalty shall run from May 30, 2024, the effective date of the Agency's termination, through November 30, 2024. See Exhibit R-2. The Agency's determination is also modified to reflect this finding.

By way 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 in this matter is hereby MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version. June 18, 2024

Natasha Johnson
Assistant Commissioner

