



State of New Jersey

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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 04299-18 C.R.

AGENCY DKT. NO. C716697007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he was evicted from his immediate need shelter placement because of a violation of the shelter rules, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 27, 2018, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On that same day, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on November 29, 2017, Petitioner was granted immediate need shelter placement, referred to a twenty-eight day work program, and referred to the Substance Abuse Initiative ("SAI"). See Initial Decision at 2; see also Exhibits R-2, R-4, P-1 and N.J.A.C. 10:90-1.3(a)(1). The record further shows that Petitioner did not complete his work activity as originally scheduled, and did not respond to SAI, which is required in order to receive WFNJ/GA, and establish eligibility for EA benefits. See Initial Decision at 2; see also Exhibits R-4, P- and N.J.A.C. 10:6.2(a) (stating that only WFNJ and Supplemental Security Income benefits recipients are eligible for EA benefits). Moreover, on December 11, 2017, Petitioner was evicted from the immediate shelter for overflowing a sink, and for other violations. See Initial Decision at 3; see also Exhibit R-3. As a result, on or about January 2, 2018, the Agency denied Petitioner EA benefits. See Initial Decision at 4. While no adverse action notice was entered into the record by the Agency, the ALJ nevertheless concluded that, based on the evidence and testimony in the record, the Agency's denial of EA benefits to Petitioner was proper. See Initial Decision at 4. I agree. The ALJ also imposed upon Petitioner a six-month period of ineligibility for EA benefits for causing his own homelessness, as a result of violating shelter rules. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3). I also agree. Petitioner's six-month EA ineligibility penalty shall run from January 2, 2018, the date of the Agency's denial, through July 1, 2018. Ibid.

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, an additional transmitted issue in this case, regarding a denial of Petitioner's WFNJ/GA benefits, was not addressed by the ALJ in the Initial Decision. As such, if Petitioner still has an issue pertaining to a denial of WFNJ/GA benefits, he may request another fair hearing on that issue alone.



By way of further comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b); specifically, the Agency must present a complete record, including the relevant adverse action notice.

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

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

Officially approved final version.

APR 04 2018

Natasha Johnson

Director

