



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 06179-18 S.E.

AGENCY DKT. NO. C343861007 (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 ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, due to Petitioner causing her own homelessness by failing to follow shelter rules and not complying with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 2, 2018, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 3, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on March 6, 2018, Petitioner executed an SP wherein she agreed, among other things, to comply with shelter rules. See Initial Decision at 2; see also Exhibit R-5. On April 6, 2018, Petitioner left the shelter without signing out. See Exhibit R-6 at 4-5. Petitioner was warned that her behavior, specifically, leaving the facility without informing the staff, was unacceptable and violated the shelter's rules. Ibid. On April 14, 2018, and April 18, 2018, Petitioner was found to be smoking inside of the shelter's bathroom. Id. at 2-3, 11, 13. On April 15, 2018, Petitioner engaged in a physical altercation with another resident of the shelter. Id. at 8-10, 12. On April 23, 2018, the shelter terminated Petitioner's emergency housing "due to noncompliance with [her] signed shelter agreement." See Initial Decision at 2; see also Exhibit R-6 at 1. The ALJ found that Petitioner violated the shelter's rules and caused her own homelessness. See Initial Decision at 2; see also N.J.A.C. 10:90-6.1(c)(3)(ix). The ALJ further found that Petitioner's behavior directly caused her own homelessness. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3)(iv). Based on the foregoing, the ALJ concluded that Petitioner failed to comply with her SP, without good cause, thereby causing her own homelessness, and that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 5; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(c), -6.6(a). 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 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, because Petitioner has been receiving continued assistance pending the outcome of this hearing, her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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.



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

Officially approved final version.

Natasha Johnson

Director

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