



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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Commissioner

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NATASHA JOHNSON
Director

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 02844-19 T.F.

AGENCY DKT. NO. V782265008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 1, 2019, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 4, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner was residing with her boyfriend until such time that she was arrested for an act of domestic violence against him, which resulted in criminal charges being filed against her and her removal from the property. See Initial Decision at 2-3; see also Exhibit R-1 at 1, 4, 13-18, 28. Consequently, Petitioner is currently homeless. See Initial Decision at 3. Although Petitioner claimed that she was not living with her boyfriend, and that the allegations of domestic violence against her were inaccurate, the ALJ found that Petitioner's testimony, in light of the other evidence presented, was not credible. Id. at 3-5. Based on the testimony and documentary evidence presented, the ALJ concluded that Petitioner had caused her own homelessness, and that the Agency's denial of EA benefits to Petitioner was proper. Id. at 5; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.1(c)(3)(vi). Accordingly, the ALJ also concluded that the imposition of a six-month period of ineligibility for EA benefits upon Petitioner was also proper, and that said six-month EA ineligibility penalty shall run from January 16, 2019, the date of the Agency's denial, through June 15, 2019. See Initial Decision at 5; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Exceptions to the Initial Decision were filed by Petitioner on March 5, 2019.

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, 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.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Also by way of comment, as the record indicates that Petitioner may have an open case with the Division of Child Protection and Permanency ("DCPP"), a copy of the Initial and Final Decisions shall be forwarded to DCPP. See Initial Decision at 3.



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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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