



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 **17858-18 W.S.**

AGENCY DKT. NO. **S513555012 (MIDDLESEX COUNTY BD. 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 benefits ineligibility penalty, contending that he caused his own homelessness by abandoning his rooming house placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 18, 2019, but was adjourned at the request of Petitioner. The case was rescheduled for February 8, 2019, but was again adjourned as Petitioner had just retained counsel and had provided additional information to the Agency for review. Finally, on March 8, 2019, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties the opportunity to submit additional documents, and then closed on May 22, 2019.

On June 12, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here the ALJ found, and the record substantiates, that Petitioner voluntarily abandoned his rooming house placement, without good cause. See Initial Decision at 7. Specifically, the ALJ found that Petitioner had failed to prove that he had abandoned his housing placement due to mice, bugs, and lack of heat. *Id.* at 3-6; see also Exhibits P-1 through P-8. Moreover, the Agency's investigator inspected Petitioner's rooming house placement and found that Petitioner's room had heat, and that there was no evidence of mice or bugs in his room. See Initial Decision at 4-5; see also Exhibit R-12. Further, although Petitioner claimed that his landlord had failed to address his housing issues, the ALJ found that abandoning his housing placement was not the appropriate way to deal with those issues. See Initial Decision at 7. Based on the foregoing, the ALJ concluded that Petitioner had caused his own homelessness, and that the Agency's termination of his EA benefits, and the imposition of a six-month EA benefits ineligibility penalty, were proper and must stand. *Ibid.*; see also Exhibit R-13, and N.J.A.C. 10:90-6.1(c)(3). 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 fair hearing, the six-month EA benefits 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 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.

Natasha Johnson
Director

JUL 17 2019

