



State of New Jersey

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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 **06252-20 J.E.**

AGENCY DKT. NO. **C784457007 (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, contending that she refused shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 10, 2020, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 13, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that EA benefits were provided to Petitioner in the form of shelter placement at a Domestic Violence ("DV") shelter. See Initial Decision at 3. The Agency had determined, and Petitioner acknowledged, that there was no longer a threat of DV, and therefore, at the end of her allowable time limit for housing at that DV shelter, the Agency arranged for another shelter placement for Petitioner. *Id.* at 4; see also Exhibit R-2 at 2. Upon arrival at the new shelter placement, Petitioner refused said placement, contending that the room was too small, and there was no air conditioning required for her asthma. See Initial Decision at 4. The record further reflects that the new shelter placement had offered to install an air conditioner in Petitioner's room, but that it could not place her in a bigger room, because the room she was offered was the largest room available. *Ibid.* Nevertheless, Petitioner refused the placement. *Id.* at 5-6. After leaving the new shelter placement, Petitioner chose to temporarily reside with her mother instead. *Ibid.* As a result, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had caused her own homelessness by refusing shelter placement. *Ibid.*; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3).

The ALJ found that prior to Petitioner being placed in that new shelter, Petitioner had not advised the Agency of her asthmatic condition, and, notably, the record is devoid of any such medical documentation. See Initial Decision at 4; see also Exhibit R-2 at 1, 2, 4-7. The ALJ also found that Petitioner had refused the shelter placement offered by the Agency, even though she had been warned of the consequences of such refusal, thereby causing her own homelessness, and that it is the Agency who determines the most appropriate form of housing under the prevailing circumstances. See



Initial Decision at 6; see also N.J.A.C. 10:90-6.1(a)(1), -6.1(c)(3). Accordingly, the ALJ concluded 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 6; see also Exhibit R-1. I agree. Of note, Petitioner has located an alternative shelter placement, and the Agency has stated that it is willing to work with Petitioner and the alternative shelter to arrange housing for her and her five children at that location. See Initial Decision at 3.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, as the record indicates that the Agency has represented that it is willing to work with Petitioner and Harmony House to arrange housing for her and her five children, the Agency is authorized to lift the six-month EA ineligibility penalty, and may assist Petitioner with securing housing at the alternative shelter location. See Initial Decision at 3.

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

Officially approved final version.

JUL 21 2020

Natasha Johnson

Assistant Commissioner

