



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 **05001-20 P.Z.**

AGENCY DKT. NO. **C119606008 (GLOUCESTER COUNTY DIV. 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 ineligibility penalty, contending that Petitioner caused his own homelessness by violating shelter rules and his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 26, 2020, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 9, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner was required to comply with shelter rules, including those rules put into place due to the COVID-19 pandemic. See Initial Decision at 7-8; see also Exhibit R-1 at 16, 18. Specifically, the shelter had instituted a mandatory stay at home requirement in accordance with the "Stay at Home Order" issued by the Governor of the State of New Jersey. See Initial Decision at 2-5; see also Exhibit R-1 at 18. The ALJ found, and Petitioner acknowledged, that he had known about, and had been provided with, a Memo advising him that shelter residents were not permitted to leave the shelter, that if they did leave it would be considered a self-discharge from the shelter, and they would not be permitted to return. See Initial Decision at 5-8. Although the shelter provided Petitioner and his children with breakfast, snacks, and dinner, and had also scheduled a van trip to the supermarket whereby shelter residents could buy their own food, Petitioner nevertheless left the shelter placement to go to a fast food restaurant to get food for his children because that is "what his children wanted" to eat. See Initial Decision at 4-6, 8. Consequently, Petitioner was not permitted to return to the shelter, thereby causing his own homelessness. *Id.* at 7; see also Exhibit R-1 at 5. Further, according to the testimony of a shelter worker and Petitioner's case worker, Petitioner was advised that he was not permitted to leave the shelter to go to the fast food restaurant, and that, if he did he was in violation of shelter rules. See Initial Decision at 3-4, 8. Based on the foregoing, the ALJ found that Petitioner had violated the shelter's health and safety policy, as well as his SP, and as such, concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper. *Id.* at 9-10; see also Exhibit R-1 at 2-3, 19-20, and N.J.A.C. 10:90-6.3(c)(5), -6.6(a). I agree.



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 Petitioner has been receiving continued assistance pending the outcome of the fair hearing, his six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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

Officially approved final version.

AUG 25 2020

Natasha Johnson

Assistant Commissioner

