



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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NATASHA JOHNSON
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 07325-20 R.W.

AGENCY DKT NO C089934018 (SOMERSET COUNTY BOARD 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 she caused her own homelessness by violating shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 29, 2020, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 30, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency claimed that Petitioner was terminated from her shelter placement for violating various shelter rules, including the shelter's health and safety policy put into place due to the COVID-19 pandemic, thereby causing her own homelessness, and as such, the Agency terminated Petitioner's EA benefits and imposed a six-month EA ineligibility penalty. See Initial Decision at 3, 5; see also Exhibit R-1 at 1-5, 7, and N.J.A.C. 10:90-6.1(c)(3). However, the ALJ found that the Agency had not provided Petitioner with a copy of the shelter rules to be abided by, nor any credible evidence that Petitioner had violated shelter rules, or that the shelter had provided its rules regarding its COVID-19 policies. See Initial Decision at 3-6; see also Exhibit R-1 at 6. Further, the ALJ found that the testimony of the shelter's program director, regarding Petitioner's shelter violations, was not credible or substantiated by factual evidence. See Initial Decision at 4-6. In the alternative, the ALJ found Petitioner's defensive testimony credible, and that there was no legitimate reason for her termination from the shelter placement. *Id.* at 4-5. Based on the evidence and testimony presented, the ALJ concluded that Petitioner had not violated shelter rules, and had not caused her own homelessness. *Id.* at 6. Accordingly, the ALJ also concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. *Ibid.*; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Exceptions to the Initial Decision were filed by the Agency on October 1, 2020.



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 it appears from the Agency's filed Exceptions that Petitioner no longer resides in Somerset County, Potitioner is advised that she may reapply for EA benefits in the County where she currently resides, provided she continues to be in need of EA benefits and remains eligible for same.

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

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

Officially approved final version.

OCT - 8 2020

Natasha Johnson

Assistant Commissioner

