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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 **06255-20 S.H.**

AGENCY DKT. NO. **C100003003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she voluntarily abandoned immediate need housing 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 Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic 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 Petitioner applied for EA benefits, and was placed in immediate need housing from February 25, 2020, through March 25, 2020. See Initial Decision at 2; see also Exhibit R-1 at 11-15. The immediate need placement was then extended through May 30, 2020, due to the COVID-19 State of Emergency. See Initial Decision at 2; see also Exhibit R-1 at 9-10. On June 17, 2020, Petitioner again applied for EA benefits, at which time, the Agency became aware that, on May 27, 2020, without notice to the Agency, Petitioner left her housing placement in order to visit her ailing grandmother in another state. See Initial Decision at 3; see also Exhibit R-1 at 16-21. Thereafter, on June 18, 2020, upon learning from the housing placement case worker that Petitioner had voluntarily left her housing on May 27, 2020, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had caused her own homelessness by leaving said housing. See Initial Decision at 2, 3; see also Exhibit R-1 at 1-4. Of note, Petitioner admitted that she had been advised by the housing placement caseworker that she would lose her housing if she left. See Initial Decision at 3. Although finding that Petitioner's desire to see her ailing grandmother was understandable, the ALJ concluded that Petitioner had voluntarily left her housing placement, without good cause, in violation of EA benefits directives, and as such, concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 6; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.1(c)(3). 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, Petitioner may re-apply for EA benefits after the six-month period of EA ineligibility has expired on December 17, 2020, provided she continues to need EA benefits and is otherwise eligible for same, in accordance with N.J.A.C. 10:90-6.1 et seq.

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

