



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 **15046-24 Z.R.**

AGENCY DKT. NO. **C779779007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's imposition of a six-month period of ineligibility for Emergency Assistance ("EA") benefits. The Agency imposed a six-month EA ineligibility penalty, contending that Petitioner caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 29, 2024, but was adjourned to November 4, 2024, due to the late appearance of Petitioner's counsel, and at that time the matter was explicitly stipulated to proceed as a "non-emergent" case. The Agency failed to appear for the November 4, 2024, and the rescheduled November 15, and 22, 2024, hearings, and the matter was again rescheduled. Finally, on December 2, 2024, the Honorable Mathew G. Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until December 10, 2024, to allow for the submission of additional documents, and argument, and then closed that day.

On December 18, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the parties stipulated that the only matter at issue was the Agency's imposition of a six-month EA ineligibility penalty, beginning August 15, 2024, the effective date of the Agency's alleged termination of Petitioner's EA benefits, through February 15, 2024. See Initial Decision at 3; see also Exhibit R-2. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-16. Specifically, the ALJ found that Petitioner was not properly noticed of a termination of her EA benefits, and no such notice had been submitted into the record, but rather Petitioner was intimidated into signing the Agency provided "termination memo" dated August 15, 2024, with an effective date of termination to begin on that same day. Id. at 3, 5-6, 11 fn2, 13-14; see also Exhibit R-2, and N.J.A.C. 10:90-9.3(d), and Division of Family Development Instruction No. 24-03-01 at 3. The record also reflects that it is unclear whether the termination referenced in the memo was in regard to a termination of the original shelter placement, or a termination of EA benefits. See Initial Decision at 7, 13; see also Exhibit R-2. Regardless, the ALJ found Petitioner credible when she testified as to the circumstances that transpired between her, the Agency, and the shelter placement staff member, and that she had not intended to move to the unapproved shelter, but felt that she had no other option but to move to that unapproved shelter placement once she was coerced into signing the termination memo. See Initial Decision at 4-7, 12-15. Moreover, the record reflects that there was no one from the original shelter placement, nor any one from the Agency, present at the hearing to testify to the truth of the matter. Id. at 7, 12-13, and N.J.A.C. 1:1-15.5. Based on the foregoing, and the totality of the testimony and facts, the ALJ found that Petitioner had not caused her own homelessness, and that she was not properly noticed of a termination of her EA benefits. See Initial Decision at 14-16; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3), -9.3(d). Accordingly, the ALJ also concluded that the Agency's imposition of a six-month EA ineligibility penalty was improper and must be reversed. See Initial Decision at 16. 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, the Agency is directed to place Petitioner in housing that addresses her particular circumstances. See Initial Decision at 4, 14; see also N.J.A.C.10:90-6.3(a)(1).

By way of further comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

Officially approved final version. January 14, 2025

Natasha Johnson
Assistant Commissioner

