



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **05908-24 T.R.**

AGENCY DKT. NO. **C097279018 (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 had caused her own homelessness by refusing an appropriate EA shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 28, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed.

On June 17, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination as to the termination of EA but declining to impose the six-month period of ineligibility for EA benefits. Here, the record reflects that Petitioner was receiving EA benefits and had been, in the past, placed at several different motels and been removed for various reasons. See Initial Decision at 2. The Agency offered Petitioner a shelter placement, which Petitioner declined, contending that the placement was far from her family, that she could not climb onto a top bunk bed, and that she was uncertain if the bathing provisions were adequate to address her health issues. See Initial Decision at 2, 3. Petitioner provided no evidence through documentation or testimony to substantiate her reasons for refusing the placement as inadequate or regarding any disability. See Initial Decision at 3. When the Agency was advised that Petitioner refused the new EA shelter placement, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty. See Initial Decision at 2,3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). Based on the testimony and documentary evidence presented, the ALJ concluded that Petitioner had caused her own homelessness, without good cause, and that the Agency's termination of EA benefits was proper and must stand. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(vi). I agree.

As to the imposition of a six-month EA ineligibility penalty, the ALJ concluded that the hearsay documentation that the Agency submitted did not provide enough evidence to establish Petitioner's misconduct in previous placements and therefore the ineligibility penalty should not be imposed. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(b), -6.3(c), N.J.A.C. 1:1-15.5(b) (stating that, while hearsay is admissible at the OAL, it cannot form the sole basis for the ultimate findings of a case unless it is supported by some legally competent evidence). Following an independent review of the record, and based on the particular circumstances presented in this case, I agree with the ALJ's finding that there is not sufficient competent evidence in the record to determine that there was, in fact, misconduct by Petitioner, specifically because the Agency did not seek to terminate Petitioner's EA benefits until she refused the shelter placement. Based upon this, I find that the imposition of a six-month EA ineligibility period is not appropriate at this time. See N.J.A.C. 10:90-6.1(c)(1)(iii). The Agency determination is modified to reflect this finding.



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 reapply for EA benefits, but is advised that it is the Agency who shall determine the most appropriate form of housing necessary to address her immediate need and individual circumstances. See N.J.A.C. 10:90-6.3(a)(1). Petitioner is further advised that if she again refuses appropriate placement offered by the Agency, she may be denied EA benefits, and a six-month period of ineligibility for EA benefits may be imposed. See N.J.A.C. 10:90-6.1(c)(3).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination in this matter is MODIFIED, as outlined above.

Officially approved final version. July 18, 2024

Natasha Johnson
Assistant Commissioner

