



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director

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 07218-18 K.C.

AGENCY DKT. NO. C214206002 (BERGEN 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 benefits ineligibility penalty, because she failed to show up at her shelter placement in Passaic County, and thereafter moved to Bergen County without a plan, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 22, 2018, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 23, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner was provided with EA benefits in Passaic County in the form of shelter placement on January 5, 2018, and that she failed to appear at the shelter on that date. See Initial Decision at 2-3; see also Exhibits R-14, R-15. As a result, the Passaic County Agency terminated Petitioner's EA benefits because she had failed to comply with her EA service plan by not showing up at the shelter placement. See Initial Decision at 3; see also Exhibits R-11 through R-15, and N.J.A.C. 10:90-6.6(a). Thereafter, Petitioner moved to Bergen County, where she lived with her mother for four months, becoming homeless when her mother moved. See Initial Decision at 2; see Exhibit R-1. Petitioner then applied for EA benefits. See Initial Decision at 2. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she voluntarily left Passaic County, refusing shelter placement there, and moved to Bergen County without a plan of action, thereby causing her own homelessness. Id. at 2-3; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3)(iv). The ALJ found that the Agency had presented undisputed, credible evidence to support its determination. See Initial Decision at 3. Based on the foregoing, the ALJ 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 3-4; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3)(vi). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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 and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.



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

Officially approved final version.

Natasha Johnson
Director

MAY 31 2018

