



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Commissioner*

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*Lt. Governor*

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 16859-18 M.D.

AGENCY DKT. NO. C161185015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 30, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 3, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that Petitioner, a Supplemental Security Income recipient, received EA benefits in the form of motel placement from July 2018, through August 2, 2018. See Initial Decision at 2. On August 2, 2018, Petitioner was arrested and incarcerated in county jail for violation of a Temporary Restraining Order entered against him pursuant to the New Jersey Domestic Violence Act. See Initial Decision at 2; see also Exhibits R-7, R-8. On August 3, 2018, the Agency terminated Petitioner's EA benefits, and imposed a six-month period of ineligibility for EA benefits, on the basis that Petitioner caused his own homelessness when he was incarcerated for violation of the TRO. See Initial Decision at 2; see also Exhibit R-5, and N.J.A.C. 10:90-6.1(c)(3). The ALJ in this matter affirmed the Agency's August 3, 2018, termination of Petitioner's EA benefits and the imposition of a six-month EA ineligibility penalty, finding that because Petitioner had been arrested, and then incarcerated, that he had caused his own homelessness. See Initial Decision at 5-6; see also Exhibit R-5, 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 in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, the Initial Decision further indicates that Petitioner was released from jail on November 2, 2018, and applied for EA benefits on November 7, 2018, approval of which is still pending. See Initial Decision at 3; see also Exhibit R-1. The record also reflects that Petitioner has



an open case with the Division of Child Protection and Permanency ("DCPP"), and that Petitioner is working with DCPP in an effort to regain custody of his child. See Initial Decision at 3. The Agency has indicated that it is willing to rescind Petitioner's six-month EA ineligibility penalty, contingent upon him providing the Agency with specific documentation concerning his circumstances, including his status with DCPP, by December 7, 2018. See Initial Decision at 3, 6; see also N.J.A.C. 10:90-6.1(c)(6). N.J.A.C. 10:90-6.1(c)(6) states that "in consultation with [DCPP], EA shall be provided to a [DCPP] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements." In accordance with this regulatory authority, the Agency is to establish appropriate communication and consultation with DCPP to ensure coordination of the DCPP plan, EA service plan and Individual Responsibility Plan. See N.J.A.C. 10:90-6.1(c)(6)(i). Petitioner is advised that, should his most recent application for EA benefits be denied by the Agency, he is without prejudice to request a fair hearing on that denial.

By way of further comment, as Petitioner has an open case with DCPP, a copy of the Initial and Final Decisions in this matter shall be forwarded to DCPP.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's action is AFFIRMED.

Officially approved final version.

DEC 07 2018

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Natasha Johnson  
Director

