



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 14223-15 C.Y.

AGENCY DKT. NO. V648106 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits, as well as the imposition of a six-month period of EA ineligibility. The Agency terminated Petitioner's EA and SNAP benefits, and imposed a six-month EA ineligibility penalty upon her, contending that she caused her own homelessness by abandoning shelter placement, without good cause, and without providing a forwarding address. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 20, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 4, 2015, the ALJ issued his Initial Decision affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on December 15, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

In order to be EA eligible, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence

of a realistic capacity to plan in advance for substitute housing. See N.J.A.C. 10:90-6.1(c). EA shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

Regulations governing SNAP benefits mandate the Agency to verify certain information for SNAP eligibility, including residency. See N.J.A.C. 10:87-2.19(f).

Here, the record reflects that Petitioner violated shelter rules on several occasions in several different shelters, by engaging in destruction of property and by threatening and disruptive behavior. See Initial Decision at 3; see also Exhibits R-2, R-3, and R-5. Consequently, Petitioner was terminated from two of those shelter placements. See Exhibits R-2 and R-5. In addition, Petitioner voluntarily abandoned shelter placement, without good cause, without giving notice of her departure and without leaving a forwarding address where she could be contacted. See Initial Decision at 3. For those reasons, the ALJ concluded, and I concur, that the Agency properly terminated Petitioner's EA benefits because she voluntarily abandoned a shelter without good cause, thereby causing her own homelessness. See Initial Decision at 3; see also Exhibit R-1 and N.J.A.C. 10:90-6.1(c)(3). Moreover, I agree with the ALJ that the Agency correctly imposed a six-month EA ineligibility penalty upon Petitioner pursuant to N.J.A.C. 10:90-6.1(c)(3). See Initial Decision at 3; see also Exhibit R-1.

While not a transmitted issue, the ALJ also found that the Agency properly terminated Petitioner's SNAP benefits in its adverse action notice dated July 7, 2015, which was issued prior to Petitioner's SNAP recertification date scheduled for mid-August, because Petitioner abandoned shelter placement without providing the Agency with a forwarding address. See Initial Decision at 3; see also Exhibit R-1 and N.J.A.C. 10:87-2.19(f). After an independent evaluation of the record, I concur.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Signed Copy on File
at DFD, BARA

IAN 1/2 2016

Natasha Johnson
Director