



State of New Jersey

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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

REMAND DECISION

OAL DKT. NO. HPW 07287-18 E.D.

AGENCY DKT. NO. C692656007 (ESSEX COUNTY DIVISION OF WELFARE)

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 Petitioner was terminated from her shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 11, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 12, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency based on the discussion below.

Here, the record reflects that Petitioner was discharged from her shelter placement due to several violations of the shelter rules, including, but not limited to, threatening and/or disruptive behaviors that affected the operations of the shelter and the safety of the other residents. See Initial Decision at 2, see also Exhibits R-2, R-6. Based on the foregoing, I find that Petitioner has caused her own homeless, and that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, was proper. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(vi), -6.3(c)(3). The ALJ did not make a determination as to whether or not Petitioner's actions had caused her discharge from the shelter, and in turn, her own homelessness, but rather concluded that regardless of whether or not Petitioner had caused her own homeless, that she is eligible for EA benefits because she has an open Division of Child Protection & Permanency ("DCP&P") case. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.1(c)(6). I respectfully disagree with the ALJ's conclusion, and find that the ALJ's interpretation of N.J.A.C. 10:90-6.1(c)(6) is misplaced. See Initial Decision at 3-4. Accordingly, the Initial Decision is modified to reflect the finding discussed below.

Specifically, because it appears from the record that Petitioner may have an open case with DCP&P, I find that she may be eligible for EA benefits even though she has caused her own homelessness. See Initial Decision at 2, 4; see also N.J.A.C. 10:90-6.1(c)(6) (stating that "[i]n consultation with [DCP&P], EA benefits shall be provided to a [DCP&P] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements"). However, in order for Petitioner to be eligible for EA benefits, DCP&P must agree to consult with the Agency and coordinate a DCP&P plan, along with the Agency's SP and Individual Responsibility Plan ("IRP"). See N.J.A.C. 10:90-6.1(c)(6)(i); see also DFD Instruction ("DFDI") 05-12-03 at 5.



Further, Petitioner is to be provided with continued assistance, pending the Agency's consultation with DCP&P, and DCP&P's commitment to coordinate its plan with the aforementioned Agency plans. If, however, DCP&P does not agree to work with the Agency in accordance with the requirements set forth in the DFDI, Petitioner's EA benefits will be terminated and a six-month period of ineligibility for EA benefits will be imposed. See N.J.A.C. 10:90-6.6(a), and DFDI 05-12-03. A copy of the Initial and Final Decisions in this matter shall be forwarded to DCP&P.

By way of comment, because Petitioner will be receiving continued assistance pending the outcome of the Agency's consultation with DCP&P, her six-month EA ineligibility penalty will begin to run as of the date of the issuance of DCP&P's refusal to work with the Agency in accordance with DFDI 05-12-03, should such instance occur.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's action is REVERSED, and the matter is REMANDED to the Agency based on the discussion above.

Officially approved final version. **JUN 27 2018**

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Natasha Johnson  
Director

