



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 16979-19 C.V.

AGENCY DKT NO C195389016 (PASSAIC COUNTY BOARD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits, contending that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 4, 2019, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 10, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed an SP, wherein she agreed, among other things, to attend all required Agency meetings. See Initial Decision at 5; see also Exhibit R-2. However, the record reflects that Petitioner failed to attend several meetings regarding her continued eligibility for EA benefits, resulting in the denial of an extension of EA benefits, and her consequent homelessness. See Initial Decision at 4-5; see also Exhibit R-1 at 1-3, 6-9, and N.J.A.C. 10:90-6.6(a). Petitioner claimed that she failed to attend those required meetings because she has trouble getting her mail, and denied ever having received any notice of such meetings from the Agency. See Initial Decision at 3. However, the ALJ did not find Petitioner's claim credible, and as such, could not conclude that Petitioner had not received any of the notices sent to her. *Id.* at 5-6. Moreover, the ALJ found that Petitioner was aware of the changes in her Work First New Jersey and Supplemental Nutrition Assistance Program benefits, and that her eligibility for EA benefits was limited to 12 months, yet she failed to contact the Agency regarding an extension of her EA benefits until November 12, 2019, after she had already been evicted from her apartment. *Id.* at 3-6; see also Exhibit R-1 at 4-5, 8-10. Based on the foregoing, the ALJ found that Petitioner had failed to apply for an extension of EA benefits when her eligibility for EA benefits terminated on July 31, 2019, thereby creating the circumstances that led to her homelessness, and as such, concluded that the Agency's November 12, 2019, denial of an extension of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-1 at 1-2, and N.J.A.C. 10:90-6.6(a). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on December 12, 2019.



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, because I concur with the ALJ's conclusion that Petitioner caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 6-7; see also N.J.A.C. 10:90-6.6(a). Petitioner's six-month EA ineligibility penalty shall run from November 12, 2019, the effective date of the Agency's denial, through May 11, 2020. See Exhibit R-1 at 1.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, 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 determination is AFFIRMED.

Officially approved final version. DEC 13 2019

Natasha Johnson
Assistant Commissioner

