



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 04577-19 E.M.

AGENCY DKT. NO. C629303007 (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 she caused her own homelessness when she was terminated from her shelter placement due to shelter rule violations. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 22, 2019, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 13, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, on several occasions, Petitioner admittedly violated the shelter rule regarding clutter and overcrowding in her room, resulting in her eviction from the shelter placement. See Initial Decision at 2-3; see also Exhibits R-4, R-5, R-6. Based on the foregoing, the Agency determined that Petitioner had caused her own homelessness by being evicted from her shelter placement for shelter rule violations, terminated her EA benefits, and imposed a six-month EA ineligibility penalty. See Initial Decision at 1; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). The ALJ found that Petitioner had violated the shelter's policy on clutter and overcrowding on several occasions, but that such violations were minor, and the Agency had failed to prove otherwise. See Initial Decision at 5; see also Exhibit R-4. Furthermore, Petitioner had not been evicted from a shelter placement on two or more prior occasions for violating said shelter rules or other facility policies. *Ibid.* As such, in accordance with applicable regulatory authority, the ALJ found that, regardless of Petitioner's shelter rule violations, she remained eligible for EA benefits. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.3(e), (f). Accordingly, the ALJ found Petitioner eligible for EA benefits, and concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, was improper and must be reversed. See Initial Decision at 6. 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, Petitioner is advised that any future violation of shelter rules, including ejection from another EA placement, without good cause, may result in a termination of her EA benefits for a period of six months. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(c), (e)(1), (f).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.



Officially approved final version.

Natasha Johnson
Director

MAY 22 2019

