



State of New Jersey

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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 **06440-20 J.M.**

AGENCY DKT. NO. **V681014013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 17, 2020, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 20, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner abandoned permanent housing in another county, thereafter moved to Monmouth County, applied for EA benefits, and refused multiple Section 8 housing placements offered by that Agency. See Initial Decision at 2-3. Consequently, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty upon Petitioner, on the basis that he had caused his own homelessness, without good cause. *Ibid.*; see also N.J.A.C. 10:9-6.1(c)(3). The ALJ found that Petitioner had admittedly abandoned his housing in another county and had refused several Section 8 housing placements offered by the Agency in Monmouth County. See Initial Decision at 4. The ALJ also found that Petitioner's homelessness was not due to circumstances beyond his control or due to a lack of a realistic capacity to plan for substitute housing. *Id.* at 5-6; see also N.J.A.C. 10:90-6.1(c). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(3). I agree. Of note, the record indicates that Petitioner has been approved for Section 8 housing and that the Agency is willing to continue to assist Petitioner in securing such housing. See Initial Decision at 3 n. 1.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, as the record indicates that the Agency is willing to work with Petitioner in securing Section 8 housing, the Agency is authorized to lift the six-month EA ineligibility penalty, and may assist Petitioner with securing such housing. See Initial Decision at 3 n. 1.

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

Officially approved final version.

AUG - 6 2020

Natasha Johnson

Assistant Commissioner

