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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 **00733-20 M.A.**

AGENCY DKT. NO. **C040022001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she refused the Agency's housing placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 10, 2020, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 28, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on December 12, 2019, the Agency placed Petitioner, an EA benefits recipient, at a residential care facility. See Initial Decision at 3; see also Exhibit R-1 at 13. The Agency testified that it considered this placement to be permanent and affordable housing, as Petitioner could afford the rent on her combined Retirement, Survivors, and Disability Insurance ("RSDI") and Supplemental Security Income ("SSI") benefits. See Initial Decision at 3; see also Exhibit R-1 at 8. Soon after placement at the residential care facility, Petitioner began to complain about how she was being disrespected by the co-residents, that she did not want to reside with residents with mental disorders, and that the facility was infested with bed bugs. See Initial Decision at 3; see also Exhibit R-1 at 13. On December 16, 2019, the residential care facility notified the Agency that it did not wish to provide room and board for Petitioner. See Initial Decision at 3; see also Exhibit R-1 at 14. On January 21, 2020, the Agency placed Petitioner at a motel. See Initial Decision at 3; see also Exhibit R-1 at 23. Petitioner testified that while at the motel, she was being followed by the "Illuminati," and that someone attempted to break into her room. See Initial Decision at 5. Petitioner further testified that she does not have any mental health issues, that she is not a paranoid schizophrenic, and that she needs legal help, and not help for mental health issues. *Id.* at 4, 6.

The ALJ found that the Agency placed Petitioner in permanent and affordable housing on December 12, 2019, and that Petitioner's own behavior caused her to abandon that placement, without good cause to do so. *Id.* at 6, 8; see Exhibit R-1 at 5-8, 12-14, and N.J.A.C. 10:90-6.1(c)(3)(vi), (vii). The ALJ further found that Petitioner exhibits a pattern of behavior that leads to her frequent homelessness and various unsuccessful placements, and that the record is devoid of any evidence from a qualified



professional that Petitioner lacks the functional capacity to avoid the behaviors that contribute to her becoming homeless. See Initial Decision at 8; see also N.J.A.C. 10:90-6.1(c)(3).

The ALJ concluded that Petitioner had voluntarily abandoned the affordable housing, without good cause, in violation of EA benefits directives, and further concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. Ibid.; see also Exhibit R-1 at 5-8, and N.J.A.C. 10:90-6.2(a). I agree. Based on the foregoing, the ALJ also imposed upon Petitioner a six-month period of ineligibility for EA benefits. See Initial Decision at 8; see also N.J.A.C. 10:90-6.1(c)(3). I also agree.

Exceptions to the Initial Decision were filed by Petitioner on August 11, 2020.

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

By way of further comment, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision. Petitioner may re-apply for EA benefits after the six-month period of EA ineligibility has expired, provided she continues to need EA benefits and is otherwise eligible for same, in accordance with N.J.A.C. 10:90-6.1 et seq.

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

Officially approved final version.

AUG 27 2020

Natasha Johnson
Assistant Commissioner

