



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 01135-20 S.H.

AGENCY DKT. NO. C643343007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner an extension of EA benefits, and imposed a six-month EA ineligibility penalty, contending that she was terminated from her shelter placement due to her threatening behavior. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 28, 2020, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on January 28, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on January 30, 2020.

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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Here, the ALJ found that Petitioner may have caused her own homelessness when she was terminated from two shelter placements due to her disruptive behavior. See Initial Decision at 4. Nevertheless, based on her particular circumstances, specifically the fact that she is homeless, has two very young children, and has acknowledged that she has anger issues and was willing to participate in anger management services, the ALJ reversed the Agency's denial of an extension of EA benefits to Petitioner. See Initial Decision at 2-4; see also Exhibit R-1 at 1-5, 17-26, and N.J.A.C. 6.3(c)(3), -6.4(b), (d).

Based on Petitioner's particular circumstances, I agree with the ALJ's conclusion. See Initial Decision at 4. However, because the record indicates that Petitioner is not permitted to be placed at certain shelters in Essex County, the Agency may be required to place Petitioner in a shelter in another county. *Id.* at 2-3; see also Exhibit R-1 at 19. Therefore, Petitioner is advised that if she refuses shelter placement offered by the Agency, or if she again violates shelter rules, her EA benefits may be terminated and a six-month EA ineligibility penalty imposed. See N.J.A.C. 10:90-6.1(c)(3), -6.3(c)(3), (e). Further, the Agency is directed to refer Petitioner for anger management services and to incorporate same into



Petitioner's EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a). Petitioner is advised that if she refuses, or fails, to participate such anger management program, her EA benefits may be terminated and a six-month EA ineligibility penalty imposed. See N.J.A.C. 10:90-6.6(a).

By way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, as the record indicates that Petitioner may have an open case with the Division of Child Protection and Permanency ("DCPP"), a copy of the Initial and Final Decisions shall be forwarded to DCPP.

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

Officially approved final version.

FEB - 3 2020

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Natasha Johnson  
Assistant Commissioner

