



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 01102-21 A.W.

AGENCY DKT. NO. C376627007 (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 was terminated from shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2021, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 8, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's EA benefits based solely on the shelter manager's written allegations that Petitioner had trashed her room and the hallway, and that she had been hostile to said manager when she returned to pick up her belongings. See Initial Decision at 5; see also Exhibits R-1, R-3, and N.J.A.C. 10:90-6.3(c)(2), (3). However, the ALJ found, and the record substantiates, that Petitioner was terminated from her shelter placement due to an erroneous belief by the shelter manager that the Agency had closed out Petitioner's shelter voucher, and was no longer going to continue to pay for Petitioner's room at the shelter. See Initial Decision at 3-4; see also Exhibit R-3. The ALJ also found that Petitioner had not violated any shelter rules while staying at the shelter, and that the shelter manager's allegations of any such violations were after Petitioner had already left the shelter and had returned to pick up her belongings, and as such, she had not caused her own homelessness. See Initial Decision at 4-5; see also Exhibit R-3. Further, the ALJ found that Petitioner had credibly denied the allegations, and that the shelter manager's testimony was not credible, nor substantiated by any credible evidence. See Initial Decision at 6. The ALJ also found that the Agency had failed to review with Petitioner the reason(s) for the shelter termination, as required, prior to its termination of her EA benefits. *Id.* at 8; see also N.J.A.C. 10:90-6.3(g). Moreover, the Agency conceded that Petitioner's ejection from the shelter placement was "an unfortunate mistake, not brought on by any conduct of [Petitioner]." See Initial Decision at 3, 6. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. *Id.* at 6-9; see also Exhibit R-1. I agree. Accordingly, the ALJ ordered the Agency to continue to provide EA benefits to Petitioner at her current placement, or to



immediately commence to locate other appropriate temporary shelter for her, and her five children. See Initial Decision at 9. I also agree.

Exceptions to the Initial Decision were filed by the Agency on February 9, 2021.

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 the Agency's Exceptions, 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 REVERSED.

Officially approved final version.

FEB 11 2021

---

Natasha Johnson  
Assistant Commissioner

