



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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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 04748-21 L.O.

AGENCY DKT. NO. C026552002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had abandoned shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 7, 2021, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 8, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner admittedly abandoned her shelter placement claiming that the conditions at said shelter were unsuitable for her health. See Initial Decision at 2-3; see also Exhibit R-4. Further, the record reflects that Petitioner did not advise the Agency of any complaints that she had with that shelter placement. See Initial Decision at 4; see also Exhibit R-4. Of note, I find that the record is devoid of any documentation to substantiate Petitioner's "good cause" claim that the conditions of the shelter placement were unhealthy. See Initial Decision at 3. Additionally, the ALJ also found that Petitioner had the capacity to plan for permanent housing with the additional COVID stimulus funds she had received, together with her monthly Supplemental Security Income of \$825, but failed to do so. See Initial Decision at 2-3, 5; see also Exhibit R-1 at 6, and N.J.A.C. 10:90-6.1(c)(3)(v). Based on the testimony and evidentiary record provided, the ALJ concluded that Petitioner had caused her own homelessness when she abandoned her shelter placement and failed to plan, and as such, further concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 2-5; see also Exhibit R-1 at 3, and N.J.A.C. 10:90-6.1(c)(3)(vi), and Division of Family Development Instruction ("DFDI") No. 21-02-03. I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on June 9, 2021. On June 10, 2021, a reply to the Exceptions was submitted by the Agency.

As Assistant Commissioner, DFD, 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 Exceptions submitted on behalf of Petitioner, 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 AFFIRMED.

Officially approved final version.

JUN 15 2021

Natasha Johnson
Assistant Commissioner

