



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

AMENDED DECISION

OAL DKT. NO. HPW 04748-21 L.O.

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

A Final Agency Decision ("FAD") was issued in this matter on June 15, 2021. This Amended FAD is being issued to address submission of additional documentation filed by Petitioner's counsel on June 15, 2021, after the FAD in this matter had already been issued.

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 motel/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 motel/shelter placement claiming that the conditions at said motel/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 motel/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 motel/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 motel/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. On June 15, 2021, additional documentation was submitted by Petitioner's counsel.

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. Moreover, Petitioner submitted documentation for consideration which was not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

By way of further comment, Petitioner is without prejudice to reapply for EA benefits.

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

Officially approved final version.

JUN 17 2021

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Natasha Johnson  
Assistant Commissioner

