



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES  
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 05600-21 Q.B.

AGENCY DKT. NO. C255048020 (UNION COUNTY DIVISION OF SOC. SVCS.)

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 Petitioner violated shelter rules, and caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 9, 2021, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 12, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he violated shelter rules and caused his own homelessness. See Initial Decision at 2; see also Exhibit R-1 at 3-7, and N.J.A.C. 10:90-6.1(c)(3). Petitioner denied having any knowledge that he had violated shelter rules. See Initial Decision at 3. The ALJ found that the Agency had failed to provide any documentary evidence of any such shelter rule violation by Petitioner, and had failed to provide testimony of anyone with first-hand knowledge of any such violation. *Id.* at 3-5, 8-9; see also Exhibit R-1 at 1-2, and N.J.A.C. 1:1-15.5(a), (b). Moreover, the record reflects that the Agency had failed to consider Petitioner's mental and physical health barriers prior to its termination of his EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(g). Based on the foregoing, the ALJ concluded that the Agency had failed to demonstrate that Petitioner had violated shelter rules, thereby causing his own homelessness, and as such, further concluded that the Agency's termination of Petitioner's EA benefits, and imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 5-10; see also Exhibit R-1 at 3-7, and N.J.A.C. 10:90-6.1(c)(3) -6.3(c)-(f). I agree.

No Exceptions to the Initial Decision were received.

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.

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



Officially approved final version:

**JUL 22 2021**

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Natasha Johnson  
Assistant Commissioner

