



State of New Jersey

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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 03053-20 R.H.

AGENCY DKT. NO. C166733015 (OCEAN COUNTY BOARD 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 Petitioner had been confined to jail. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for July 14, 2020. The procedural history thereafter has been detailed at length in the Initial Decision, and is incorporated by reference herein. On June 30, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 23, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner was confined to jail from February 11, 2020, through February 21, 2020, and as a result, he was evicted from the motel where he had been residing. See Initial Decision at 5; see also Exhibits R-3, R-4, R-5. Upon learning of Petitioner's February 11, 2020, incarceration, by notice dated February 12, 2020, the Agency terminated Petitioner's EA benefits effective February 11, 2020. See Initial Decision at 5; see also Exhibit R-1. However, the ALJ found that the Agency's February 11, 2020, termination was premature, and therefore improper, because at that time, the Agency had not known if Petitioner would be confined to jail for a period greater than seven days, as required by regulatory authority. See Initial Decision at 10; see also N.J.A.C. 10:90-9.1(d)(13). The Agency also maintained that its termination of Petitioner's EA benefits was proper because his criminal activity had caused his eviction from housing, and he thereby caused his own homelessness. See Initial Decision at 5; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c)(1)(iii). However, the ALJ found that, although Petitioner had been confined to jail for ten days, he had not been convicted of any crime, and as such, it could not be said that his criminal behavior directly caused his eviction/homelessness. See Initial Decision at 7-10. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. *Id.* at 10-11; see also Exhibit R-1. 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.

AUG 31 2021

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Natasha Johnson

Assistant Commissioner

