



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 01927-21 R.S.

AGENCY DKT. NO. C062024005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

R.S. and J.F. ("Petitioners") appeal from the Respondent Agency's denial of their application for Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioners EA benefits, and imposed a six-month EA ineligibility penalty, contending that they had caused their own emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2021 the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 26, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioners applied for, and were offered, EA benefits in the form of shelter placement in Cumberland County. See Initial Decision at 3-4. However, Petitioners refused the offered shelter placement, choosing, rather, to reside in various motels in Cape May County, which Petitioners' themselves paid for, and to apply for EA benefits in Cape May County. *Id.* at 4; see also Exhibits R-2, R-3, R-9. Petitioners testified that they had refused shelter placement in Cumberland County because R.F.'s children would be unable to visit them if they resided at a shelter, and instead chose to move to Cape May County where they would be placed into a motel and be able to have R.F.'s children visit. See Initial Decision at 4; see also Exhibit R-3. Based on the testimony and evidence provided, the ALJ concluded that Petitioners had caused their own homelessness by refusing shelter placement in Cumberland County, and had failed to show good cause for such refusal, as a motel placement in Cape May County would not have addressed Petitioners' need for more suitable housing where J.F.'s children could visit. See Initial Decision at 5-6. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioners, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). 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.



By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

MAR 04 2021

Natasha Johnson
Assistant Commissioner

