



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
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

FINAL DECISION

OAL DKT. NO. HPW **01460-23 B.L.**

AGENCY DKT. NO. **C027939005 (CAPE MAY 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 he was not in need of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 23, 2023, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 11, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, "EA benefits shall not be provided for a period of six months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause, for reasons that may include, but are not limited to, (c)(3)(i) [For the purpose of making himself or herself eligible for EA]" See also N.J.S.A. 44:10-48.

Here, the ALJ found that Petitioner had been extradited from Indiana to New Jersey (NJ) based on sworn statements he made in his extradition paperwork that he had housing with his fiancé (K.T.) and employment waiting upon his return to NJ. See Initial Decision at 2-7; see also Exhibit R-1 at 24-27. However, upon Petitioner's return to NJ he stated in his redetermination application for EA benefits, that he was homeless and unemployed. See Initial Decision at 2, 7; see also Exhibit R-1 at 29-38. Based on Petitioner's testimony, found not to be credible, and the documentary evidence provided, the ALJ found that Petitioner had made contradictory statements on his EA redetermination application in an effort to make himself eligible for EA benefits, and as such, concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 7-8; see also Exhibit R-1 at 17-22, and N.J.A.C. 10:90-6.1(c)(3)(i), and N.J.S.A. 44:10-48. I agree. Further, because



I agree with the ALJ's conclusion, I hereby impose upon Petitioner a six-month period of ineligibility for EA benefits. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.1(c)(3).

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from January 16, 2023, the effective date of the Agency's termination, through July 15, 2023. See Exhibit R-1 at 19.

By way of further 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. May 31, 2023

Natasha Johnson
Assistant Commissioner

