



## State of New Jersey

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*Governor*

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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 **00774-23 C.P.**

AGENCY DKT. NO. **S569427012 (MIDDLESEX COUNTY BD. 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 she failed to comply with her EA service plan ("SP") by refusing to accept permanent affordable housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 27, 2023, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On January 30, 2023, the ALJ issue an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had executed numerous SPs, wherein she agreed, among other things, to accept permanent affordable housing if it was offered to her. See Initial Decision at 2-4; see also Exhibit R-1 at 2, 6, and 12. During Petitioner's case review, and by notice dated September 20, 2022, the Agency advised Petitioner that it had found permanent affordable housing for Petitioner, which would become available on October 1, 2022, and that she must apply for said housing by September 27, 2022. See Initial Decision at 3; see also Exhibit R-1 at 14. Petitioner failed to apply for the permanent housing offered, and consequently, by notice dated October 19, 2022, the Agency terminated Petitioner's EA benefits, effective November 19, 2022. See Initial Decision at 1-2; see also Exhibit R-1 at 16, and N.J.A.C. 10:90-6.6(a). Of note, the record reflects that Petitioner is currently residing with friends, and that she did not offer any evidence at the hearing regarding imminent homelessness. See Initial Decision at 3. The ALJ found that Petitioner had applied for said permanent housing on November 21, 2022, long after the September 27, 2022, deadline, and as such, concluded that she had failed to comply with her SP by refusing permanent affordable housing when offered, thereby causing her own homelessness. *Id.* at 3-4; see also Exhibit R-1 at 12. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 5; see also Exhibit R-1 at 16, and N.J.A.C. 10:90-6.6(a). 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, Petitioner is advised that she may reapply for EA benefits at the end of her six-month EA ineligibility penalty period, May 19, 2023. See Exhibit R-1 at 16.



By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his 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. February 7, 2023

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Natasha Johnson  
Assistant Commissioner

