



State of New Jersey

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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 **06755-23 J.D.**

AGENCY DKT. NO. **C076932015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the subsequent denial of EA benefits, and imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, contending that she voluntarily vacated emergency housing, and her whereabouts were unknown. Thereafter, the Agency denied Petitioner's application for EA benefits, and imposed a six-month EA ineligibility penalty, contending that she left housing against medical advice and without a plan for alternate housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 3, 2023, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 4, 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 MODIFIED the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control, or the absence of a realistic capacity to plan to avoid their emergent situation. EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

Pursuant to N.J.A.C. 10:90-9.1, an Agency must provide both adequate and timely notice advising of a termination, denial or suspension of welfare benefits. Adequate notice is a written notice outlining the intended action, the reasons for the action, the specific regulations supporting the intended action, and an explanation of the individual's right to request a fair hearing. See N.J.A.C. 10:90-9.1(a).



Here, based on an independent review of the record, I find, and the record substantiates, that by notice dated June 2, 2023, the Agency terminated Petitioner's EA benefits, effective May 22, 2023, due to "voluntary vacating your emergency housing, whereabouts unknown," and thereafter, by notice dated July 24, 2023, the Agency denied Petitioner's application for EA benefits, and imposed a six-month EA ineligibility penalty, contending that she "left housing against medical advice and without a plan for new housing[.]" See Exhibits R-1, R-10, R-11. The ALJ found that Petitioner had voluntarily vacated her emergency motel placement at the Shore Motel when she left the motel for three days, without good cause established, and failed to advise the Agency of her whereabouts, thereby resulting in the termination of Petitioner's EA benefits. See Initial Decision at 2-3, 7; see also Exhibits R-1, R-6. The ALJ also found that after the Agency's termination of Petitioner's EA benefits, Petitioner had been residing at a rehabilitation facility, and that she had voluntarily vacated that facility, against medical advice, without having been discharged, and without a plan for alternate housing, and without good cause established, thereby causing her own homelessness. See Initial Decision at 3-6, 8, 10-11; see also Exhibit R-10 and N.J.A.C. 10:90-6.1(c)(3)(vii). Based on the foregoing, I concur with the ALJ's ultimate conclusion affirming the Agency's termination of Petitioner's EA benefits, the denial of EA benefits to Petitioner, and the imposition of a six-month period of ineligibility for EA benefits. See Initial Decision at 9-11; see also Exhibits R-1, R-10, and N.J.A.C. 10:90-6.1(c)(3). However, while the ALJ discusses both EA service plan and shelter rule violations in the Initial Decision, in accordance with relevant regulatory authority, it should be noted that the Agency's notice of termination does not state that the basis for the action was due to Petitioner's violation of an EA service plan or a violation of shelter rules, and as such, those bases have not been addressed in this Final Agency Decision. See Exhibits R-1, R-10, and N.J.A.C. 10:90-9.1(a)(1)(ii)(iii). The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from July 24, 2023, the date of the Agency's denial, through January 23, 2024. See Exhibit R-10.

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.

Finally, by way of comment, the Agency is reminded that adverse action notices should contain the specific regulation, including the applicable subsection of a particular regulation that is basis for an intended action. See N.J.A.C. 10:90-9.1(a)(1)(ii)(iii).

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version. August 17, 2023

Natasha Johnson
Assistant Commissioner

