



## 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 **04296-23 J.T.**

AGENCY DKT. NO. **S650310012 (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 EA benefits ineligibility. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had voluntarily abandoned housing placement, without good cause, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for June 26, 2023, but was adjourned to allow Petitioner the opportunity to submit documents. On July 7, 2023, the Honorable Nicole Minutoli, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 21, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on July 31, 2023.

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). Additionally, 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." See N.J.A.C. 10:90-6.1(c)(3).

Here, the ALJ found, Petitioner admitted, and the record substantiates, that Petitioner had voluntarily abandoned appropriate Agency housing placement. See Initial Decision at 3-4, 6-8; see also Exhibits R-2, R-4, and N.J.A.C. 10:90-6.3(a)(1). Petitioner claimed that he had left his housing placement because it was unable to accommodate his disabilities, he felt unsafe, and he was not permitted to cook in his room. See Initial Decision at 3-5. However, the ALJ found that Petitioner had failed to provide any documentary evidence, or credible testimony to substantiate those claims. See Initial Decision at 3-6; see also Exhibit R-5. Based on the foregoing, the ALJ concluded that Petitioner had abandoned his housing placement, without good cause, thereby causing his own homelessness. See Initial Decision at 7-8. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA benefits ineligibility penalty, were proper and must stand. *Ibid.*; see also Exhibit R-6. I agree. However, while I agree with the ALJ's ultimate conclusion, I find that the regulatory authority relied upon by the ALJ in reaching her conclusion was incorrect. See Initial Decision at 7; see also N.J.A.C. 10:90-6.3(c). Rather, I find that the correct relevant regulatory authority in this matter is found at N.J.A.C. 10:90-6.1(c)(3). The Initial Decision is modified to reflect this finding.



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.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision in this matter is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.      September 13, 2023

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Natasha Johnson  
Assistant Commissioner

