



## 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 **10890-23 K.B.**

AGENCY DKT. NO. **C064204005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied EA benefits to Petitioner, and imposed a six-month EA ineligibility penalty, contending that she had provided false information to the Agency in order to qualify for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 19, 2023, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 20, 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 MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-6.1(c)(3), (i) 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, ... [f]or the purpose of making himself or herself eligible for EA] . . . ." See also N.J.S.A. 44:10-48.

An action, seeking a finding of an Intentional Program Violation, may only be brought by conducting an administrative disqualification hearing. See N.J.A.C. 10:90-11.1 et seq. Such actions have a specific procedural process which must be followed, including advance notice of the hearing at least 30 days prior to the scheduled hearing date, and with service of said notice by certified mail return receipt requested. See N.J.A.C. 10:90-11.5(f). This procedure is mandatory and cannot be omitted, as it ensures that due process is afforded prior to the finding of an IPV and the imposition of the attendant periods of disqualification from participation in the Work First New Jersey ("WFNJ") program. See N.J.A.C. 10:90-11.11(a).



Based on an independent review of the record, I find that, for the purposes of making herself eligible for EA benefits, Petitioner, who had been residing in her cousin's apartment, deliberately misrepresented information to the Agency by submitting a fraudulent eviction letter from her cousin's landlord. See Initial Decision at 2-3; see also Exhibit R-1 at 18, 20, 22, 24, 26-27. Documentary proof of a pending eviction is required for EA Temporary Rental Assistance ("TRA") benefits eligibility. See N.J.A.C. 10:90-6.3(a)(1)(ii). Based on the foregoing, and in accordance with N.J.A.C. 10:90-6.1(c)(3)(i), stated above, I concur with the ALJ's ultimate conclusion that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 12-16.

Additionally, I note that the Agency, as well as the ALJ, appear to rely upon the WFNJ-100 form signed by Petitioner as part of the EA benefits application protocol as the basis for the denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty. See Initial Decision at 2-4; see also Exhibit R-1 at 30-40. I note that said WFNJ-100 form sets out the penalties for an Intentional Program Violation ("IPV"), and in order for an IPV to be established the specific procedural process set forth at N.J.A.C. 10:90-11.1 et seq. must be followed. It is clear from the record that this case does not involve an IPV, nor was the required procedural process followed here, and as such, an IPV six-month penalty cannot be imposed in this matter. See N.J.A.C. 10:90-11.1 et seq. Rather, I find Petitioner to be in violation of N.J.A.C. 10:90-6.1(c)(3)(i), outlined above, and that the six-month EA ineligibility penalty is imposed in accordance with that regulation. The Initial Decision and the Agency's determination are both modified to reflect the appropriate legal basis for the imposition of the six-month EA ineligibility penalty in this case.

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, Petitioner's six-month EA ineligibility penalty shall run from October 10, 2023, the effective date of the Agency's EA benefits denial, through April 10, 2024. See Exhibit R-1 at 12-13.

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

Officially approved final version. November 1, 2023

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Natasha Johnson  
Assistant Commissioner

