



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 **09841-22 M.P.**

AGENCY DKT. NO. **C123204003 (BURLINGTON 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 Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner's behavior caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 12, 2022, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to provide medical records. Said records were produced and reviewed by the Agency, and the record then closed on December 19, 2022.

On January 9, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here the ALJ found, and the record substantiates, that Petitioner had been terminated from her motel placement due to her failure to pay her required portion of the motel rent, and for destruction of motel property. See Initial Decision at 2-3; see also Exhibits A, D, E and N.J.A.C. 10:90-6.5(a). Thereafter, on September 20, 2022, the Agency offered Petitioner another motel placement, however, Petitioner failed to appear at that motel placement, and consequently, by notices dated September 26, 2022, the Agency terminated that placement, denied her application for EA benefits, and imposed a six-month EA ineligibility penalty, on the basis that Petitioner had caused her own homelessness. See Initial Decision at 2-4; see also Exhibits B, C, F, G, and N.J.A.C. 10:90-6.1(c)(3)(vi) and -6.5(a). Petitioner claimed that she was unaware that she was required to pay a portion of the motel rent, that she had needed to use motel property (bed sheets) to pack her belongings, and that she failed to appear at the second motel placement because she was picked up by the police and hospitalized. See Initial Decision at 3. However, the ALJ found that Petitioner's claims were not substantiated by either her conflicting testimony, or the records she produced. See Initial Decision at 4-5; see also Exhibit J-1. Moreover, the ALJ found that Petitioner had been picked up by the police and hospitalized on September 23, 2022, and discharged on September 24, 2022, all of which occurred after the date she was to appear at her second motel placement, September 20, 2022. See Initial Decision at 4-5; see also Exhibit J-1. Based on the foregoing, the ALJ concluded that Petitioner's behaviors had directly caused her termination from said motels, and as such, that she had caused her own homelessness. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(3)(vi) and -6.5(a). Accordingly, the ALJ concluded 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 6; see also Exhibit G. 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, 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, as stated above.

Officially approved final version. February 9, 2023

Natasha Johnson
Assistant Commissioner

