



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 11159-22 R.K.

AGENCY DKT. NO. C082583002 (BERGEN 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 had violated shelter rules, resulting in his discharge from such shelter, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic pre-hearing conference was held on January 10, 2023, after which both parties were permitted to submit documents. On January 27, 2023, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to February 3, 2023, to allow the parties the opportunity to submit additional documents, and then closed on that date.

On February 22, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, it appears from the record that Petitioner was already housed at a shelter when he applied for EA benefits, and that the Agency had provided Petitioner with immediate need shelter payment assistance, pending approval of his EA benefits application. See Initial Decision at 2; see also Exhibit R-1. The ALJ found, and the record substantiates, that Petitioner had been discharged from that shelter due to violations of the shelter's curfew policy, particularly the violation that occurred on October 6, 2022. See Initial Decision at 2-3; see also Exhibits R-3 through R-6. Although Petitioner claimed that he had good cause medical circumstances for failing to comply with the shelter's curfew policy on that date, the ALJ found that the records submitted by Petitioner did not substantiate that claim. See Initial Decision at 3-4; see also Exhibits P-1 through P-5, and R-3 through R-6. Based on the foregoing, the ALJ concluded that Petitioner had caused his own homelessness, and that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 4-5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3). 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 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. April 4, 2023

Natasha Johnson
Assistant Commissioner

