



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **01912-23 S.L.**

AGENCY DKT. NO. **C039269002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and imposition of a six-month period of ineligibility for receipt of EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she failed to comply with shelter procedures regarding placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 28, 2023, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

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).

Here, the record reflects that on December 20, 2022, Petitioner was offered shelter placement by the Agency. See Initial Decision at 2, 5. Petitioner was advised that she needed to contact the shelter, and that as a prerequisite for admittance into the shelter, she was required to provide the shelter's clinical coordinator with a psychiatric evaluation. *Id.* at 3. The ALJ found that Petitioner had not contacted the shelter until January 24, 2023, and had failed to provide the required psychiatric evaluation to the shelter until February 27, 2023, which was more than a month after the Agency's denial of EA benefits to Petitioner. *Id.* at 4-5. Based on the foregoing, the ALJ concluded that the Agency's January 24, 2023, denial of EA benefits to Petitioner was proper and must stand. *Id.* at 5; see also Exhibit R-1 at 2. I agree. See N.J.A.C. 10:90-2.2(a)(5), (d). However, while the ALJ in this case was silent with respect to the Agency's imposition of a six-month EA ineligibility penalty, I find that, because Petitioner failed to comply with shelter directives, she caused her own homelessness, and accordingly, I conclude that the



Agency's imposition of a six-month EA ineligibility penalty was also proper and must stand. See Exhibit R-1 at 2; see also N.J.A.C. 10:90-6.1(c)(3). The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from December 20, 2022, the effective date of the Agency's denial of EA benefits, through June 19, 2023. See Exhibit R-1 at 2.

By way of further 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 MODIFIED, and the Agency's determination is AFFIRM, as outlined above.

Officially approved final version. May 18, 2023

Natasha Johnson
Assistant Commissioner

