



## 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 **09340-22 S.M.**

AGENCY DKT. NO. **C129218011 (MERCER COUNTY BOARD 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 ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 22, 2022, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to submit additional documents, and then closed on November 28, 2022. On December 13, 2022, 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.

Here, based on the testimony of the parties, particularly the credible testimony of the case manager for Amani House, where Petitioner had been residing, the ALJ found, and the record substantiates, that Petitioner had been terminated from Amani House due to having illegal drugs in his room. See Initial Decision at 2-7; see also Exhibit R-2. Based on the foregoing, the ALJ concluded that Petitioner's behavior had directly caused his eviction from said housing, and as such, that he had caused his own homelessness. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.1(c)(3)(vi). 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 8; see also Exhibit R-4. I agree. However, I find that because Petitioner has received continued assistance pending the outcome of this fair hearing, his six-month EA ineligibility penalty will begin to run as of the date of the issuance of this Final Agency Decision, and as such, I disagree with the ALJ's Order opining that Petitioner may reapply for EA benefits in April 2023. See Initial Decision at 8. The Initial Decision is modified to reflect this finding.

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



Officially approved final version.

February 2, 2023

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Natasha Johnson

Assistant Commissioner

