



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 12139-23 T.J.

AGENCY DKT. NO. **S644028012 (MIDDLESEX COUNTY BD. 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 had been evicted from his shelter placement due to his own behavior, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 21, 2023, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On November 22, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here the ALJ found, and the record substantiates, that Petitioner had been evicted from his shelter placement, due to having failed to return, nightly, to his shelter placement, as required, on several occasions, without good cause. See Initial Decision at 2-4; see also Exhibits R-3, R-5, R-9, R-10. Petitioner claimed, among other things, that he had been at the shelter on the nights the shelter alleged that he was not there, and had been given permission to stay out overnight. See Initial Decision at 3-4. However, the ALJ found that Petitioner had failed to substantiate his claims. *Id.* at 4. Based on the foregoing, the ALJ concluded that Petitioner had caused his own homelessness, and therefore 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. *Id.* at 4-6; see also Exhibit R-6, N.J.A.C. 10:90-6.1(c)(3)(vi). 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, Petitioner's EA ineligibility penalty shall run from November 18, 2023, the effective date of the Agency's denial, through May 18, 2024. See Exhibit R-6.



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 ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. December 05, 2023

Natasha Johnson
Assistant Commissioner

