



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 **00614-24 S.K.**

AGENCY DKT. NO. **C067808003 (BURLINGTON 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 she had abandoned her motel placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 11, 2024, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 12, 2024, 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.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, "EA benefits shall not be provided for a period of six months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause"

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided."

Here, the record reflects that the Agency provided Petitioner with motel placement beginning December 5, 2023. See Initial Decision at 2; see also Exhibit R-1 at 9. The record also reflects that Petitioner went into the Agency on December 7, 2023, to complain about the size of her room and her desire to be moved to another motel. See Initial Decision at 3. Although the Agency attempted to find another motel placement for Petitioner, it was unsuccessful, and as a result, informed Petitioner that she was required to remain at the Agency's motel placement. *Id.* at 3, 5. Thereafter, the Agency contacted the motel to verify that Petitioner was there, and was advised that Petitioner had not been at the motel since December 5, 2023. *Id.* at 3, 8; see also Exhibit R-2 at 3. Consequently, by notice dated December 14, 2023, the Agency terminated Petitioner's EA benefits and imposed a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-1 at 14-18. Further, the Agency testified that it did not hear from Petitioner until January 3, 2024. See Initial Decision at 3, 7. Although Petitioner claimed that she had advised the Agency that she would not be staying at the motel placement, due to particular circumstances regarding her daughter, but rather, would be remaining at another motel where she alleged to be currently residing, the ALJ found that Petitioner's claims were not credible, and unsubstantiated



by any documentary evidence. Id. at 4-7. Based on the foregoing, the ALJ found that Petitioner caused her own homelessness by abandoning her motel placement, without good cause. Id. at 8-9. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA benefits ineligibility penalty, were proper and must stand. Id. at 9; see also Exhibit R-1 at 14-18. I agree. However, I find that the regulatory authority relied upon by the ALJ in this matter, N.J.A.C. 10:90-6.6(a), is misplaced. See Initial Decision at 8; see also Exhibits R-1 at 1-4, and R-2 at 1-2. Rather, I find that the correct regulatory authority in this matter is N.J.A.C. 10:90-6.1(c)(3), as cited above. The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from December 5, 2023, the effective date of the Agency's termination, through June 5, 2024. See Exhibit R-1 at 15.

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

Officially approved final version. January 25, 2024

Natasha Johnson
Assistant Commissioner

