



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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

REMAND DECISION

OAL DKT. NO. HPW 10898-18 K.K.

AGENCY DKT. NO. C100510003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that Petitioner had the capacity to plan, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same date, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, AFFIRM the Agency's determination, and REMAND the matter to the Agency 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 ALJ found that Petitioner caused her own homelessness, without good cause, when she did not provide current documentation, such as receipts of how she spent her money or any housing (rental or subsidized) applications, to the Agency in support of her application for EA benefits. See Initial Decision at 3; see also Exhibit R-2. Moreover, the ALJ found that after being evicted and served with a Warrant of Removal on May 19, 2017, Petitioner was provided with shelter placement, but abandoned that placement. See Initial Decision at 2, 3; and Exhibits R-5, R-10. The ALJ further found that Petitioner remained in the property as a holdover, despite being evicted, and has not paid any rent. See Initial Decision at 3. Petitioner was then served with a second Warrant of Removal for July 24, 2018. See Initial Decision at 2; see also Exhibit R-5 at 3-4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). I agree. Additionally, because I agree with the ALJ's conclusion that Petitioner has caused her own homelessness, I find that Petitioner is subject to a six-month period of ineligibility for EA benefits. See Exhibit R-1; see also N.J.A.C. 10:90-6.1(c)(3).

However, because it appears from the record that Petitioner has an open case with the Division of Child Protection & Permanency ("DCP&P"), she may be eligible for EA benefits even though she has been found to have caused her own homelessness. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.1(c)(6) (stating that "[i]n consultation with [DCP&P], EA benefits shall be provided to a [DCP&P] family, even if the family caused its own homelessness, provided that the



family meets all other EA eligibility requirements"). In order for Petitioner to be eligible for EA benefits, DCP&P must agree to consult with the Agency and coordinate a DCP&P plan, along with the Agency's SP and Individual Responsibility Plan ("IRP"). See N.J.A.C. 10:90-6.1(c)(6)(i); see also DFD Instruction ("DFDI") 05-12-03 at 5. Based on the foregoing, I am remanding the matter to the Agency and directing it to contact DCP&P in this regard.

Further, Petitioner is to be provided with immediate need, pending the Agency's consultation with DCP&P, and DCP&P's commitment to coordinate its plan with the aforementioned Agency plans. If, however, DCP&P does not agree to work with the Agency in accordance with the requirements set forth in the DFDI, the immediate need will cease and a six-month period of ineligibility for EA benefits will be imposed. See N.J.A.C. 10:90-6.1(c)(3), and DFDI 05-12-03. A copy of the Initial and Final Decisions in this matter shall be forwarded to DCP&P.

By way of comment, because Petitioner will be receiving immediate need pending the outcome of the Agency's consultation with DCP&P, her six-month EA ineligibility penalty will begin to run as of the date of the issuance of DCP&P's refusal to work with the Agency in accordance with DFDI 05-12-03, should such instance occur.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, the Agency's determination is AFFIRMED, and the matter is REMANDED to the Agency based on the discussion above.

Officially approved final version.

AUG 16 2018

Natasha Johnson
Director

