



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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

FINAL DECISION

OAL DKT. NO. HPW 13065-18 P.R.

AGENCY DKT. NO. C091945003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that he caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 27, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 2, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that on July 30, 2018, Petitioner, a Supplemental Security Income recipient, was barred from his home after a Final Restraining Order ("FRO") was entered against him pursuant to the New Jersey Domestic Violence Act. See Initial Decision at 3; see also Exhibit R-4. Petitioner applied for EA benefits on August 8, 2018, and the Agency placed him in a motel placement. See Initial Decision at 3; see also Exhibit R-3. However, on August 21, 2018, the Agency terminated Petitioner's EA benefits, finding that he caused his own homelessness due to the FRO entered against him. See Initial Decision at 3; see also Exhibit R-2. The ALJ found that the Agency's initial granting of EA benefits to Petitioner was in error, and affirmed the Agency's termination of benefits, finding that because Petitioner had an FRO entered against him and was found to be the perpetrator, not the victim of domestic violence, that he had caused his own homelessness. See Initial Decision at 3-4; see also Exhibits R-2, R-4, R-6, and N.J.A.C. 10:90-6.1(c)(3)(vi). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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.

Further, because I agree with the ALJ that Petitioner caused his own homelessness, I hereby impose upon him a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3)(vi). As Petitioner has received continued assistance pending the outcome of this fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of issuance of this Final Agency Decision.



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Accordingly, the Initial Decision is hereby ADOPTED and the Agency's action is AFFIRMED.

Officially approved final version.

OCT 16 2018

Natasha Johnson

Director

