



State of New Jersey

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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 04999-20 A.T.

AGENCY DKT. NO. C080150008 (GLOUCESTER COUNTY DIV. 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 caused her own homelessness by violating shelter rules and her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 26, 2020, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 14, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner was required to comply with shelter rules, including the shelter policy put into place due to the COVID-19 pandemic in accordance with the "Stay at Home Order" issued by the Governor of the State of New Jersey. See Initial Decision at 2; see also Exhibit R-1 at 17, 23-24. Specifically, the shelter's "Stay At Home Policy" allowed shelter residents who provided an "essential service" to continue with such service, but advised that they were required to return to the shelter immediately afterwards with "NO EXCEPTIONS." See Initial Decision at 2; see also Exhibit R-1 at 23-24. The ALJ found, and Petitioner acknowledged, that she had been provided with a copy of the shelter's "Stay At Home Policy" as evidenced by her signature on said document. See Initial Decision at 2, 5; see also Exhibit R-1 at 23-24. Petitioner affirmed at the hearing that she provided essential services to her mother for two-hours a day, and the record reflects that the shelter approved her for up to four hours a day, which would provide her with the time required to care for her mother and to run necessary errands as part of that care. See Initial Decision at 2-3, 5. However, the ALJ found, and the record substantiates, that Petitioner exceeded that four-hour time limit on several occasions, often returning to the shelter several hours later, without prior shelter approval. Id. at 3; see also Exhibit R-1 at 21-22. Consequently, Petitioner was terminated from her shelter placement. See Initial Decision at 4; see also Exhibit R-1 at 19. The ALJ also found that Petitioner had failed to provide credible, good cause reasons for such shelter rule violation. See Initial Decision at 5-7. Based on the evidence and testimony presented, the ALJ found that Petitioner had violated the shelter's health and safety policy, as well as her SP, and as such, concluded that the Agency's termination of Petitioner's EA benefits, and imposition of a six-



month EA ineligibility penalty, were proper. Id. at 8-11; see also Exhibit R-1 at 2, 11-18, and N.J.A.C. 10:90-6.3(c)(5), -6.6(a). 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, as Petitioner has been receiving continued assistance pending the outcome of the fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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

Officially approved final version.

AUG 25 2020

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Natasha Johnson

Assistant Commissioner

