



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 **09273-22 A.G.**

AGENCY DKT. NO. **C236643009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had been evicted from subsidized and shelter housing due to her own destructive behavior, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 20, 2022, the Honorable Elissa Mizzone Testa, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On October 21, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here the ALJ found, and Petitioner did not dispute, that Petitioner had been evicted from Section 8 housing, and shelter housing, due to having unauthorized persons living with her, repeated property destruction, and numerous disturbances of the peace. See Initial Decision at 2-3, 5; see also Exhibits R-1, R-2. Petitioner claimed that the property destruction was caused by the father of her children, and not by her. See Initial Decision at 3. Nevertheless, the ALJ found that Petitioner had never filed a police report, and had continued to allow the father of her children back into her residence, even after his continued destructive behavior, and as such, found that Petitioner had caused said property destruction. *Id.* at 3, 5. Based on the foregoing, the ALJ concluded that Petitioner had caused her own homelessness, and therefore concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 5; see also Exhibit R-3, N.J.A.C. 10:90-6.1(c)(3)(iv), -6.3(c)(2),(3). I agree. Further, in accordance with applicable regulatory authority, the ALJ imposed a six-month EA ineligibility penalty upon Petitioner. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3), -6.3(c). I also 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 September 14, 2022, the effective date of the Agency's denial, through March 13, 2023.



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

Officially approved final version.

November 3, 2022

Natasha Johnson
Assistant Commissioner

