



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 **05674-22 C.A.**

AGENCY DKT. NO. **S642414012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of EA benefits ineligibility. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had abandoned shelter placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 15, 2022, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 18, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that the Agency had provided Petitioner with temporary shelter placement from May 31, 2022, through June 28, 2022. See Initial Decision at 2; see also Exhibits R-6, R-7. The record also indicates that Petitioner stayed at the shelter for only one night, left the shelter early in the morning the very next day, and did not return. See Initial Decision at 2; see also Exhibit R-8. Petitioner testified that she left the shelter because she had been placed in a top bunk bed, that she had fallen from that top bunk, and that consequently, she had felt it unsafe to remain at that shelter. See Initial Decision at 2-3. However, the ALJ found that Petitioner had failed to provide any evidence to corroborate her allegations of falling, or that she had notified the shelter or Agency of that incident or her concerns. *Id.* at 4. Based on the foregoing, the ALJ found that Petitioner had abandoned her shelter placement, without good cause, thereby causing her own homelessness, and that her testimony supports such finding. *Ibid.* Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA benefits ineligibility penalty, were proper and must stand. *Id.* at 4-5; see also Exhibits R-9, R-11, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Exceptions to the Initial Decision were filed by Petitioner on July 18, 2022.

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 and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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



Officially approved final version.

July 26, 2022

Natasha Johnson

Assistant Commissioner

