



## State of New Jersey

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TRENTON, NJ 08625-0716

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 **04815-22 F.N.**

AGENCY DKT. NO. **C141575013 (MONMOUTH 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 had violated shelter rules by engaging in threatening behavior. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 20, 2022, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 21, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development (DFD), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency based on the discussion below.

Here, based on the testimony and evidence presented, the ALJ found that Petitioner had caused her own homelessness when she made a threatening remark aimed toward her case worker, resulting in termination from her EA placement. See Initial Decision at 2-7; see also Exhibit R-1 at 29-30, and N.J.A.C. 10:90-6.3(c)(3). Nevertheless, the ALJ found that Petitioner may have an open case with the Division of Child Protection & Permanency ("DCP&P"), and if indeed she does have an open case, she may continue to be eligible for continued EA benefits even though she has been found to have caused her own homelessness. See Initial Decision at 4, 7; 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," inclusive of all EA time limits), and DFD Instruction ("DFDI") 05-12-03 at 2. Based on the foregoing, the ALJ reversed the Agency's termination of Petitioner's EA benefits and its imposition of a six-month EA ineligibility penalty, ordered the Agency to contact DCP&P to determine the status of Petitioner's DCP&P case, and if there is found to be an open case, the Agency must consult with DCP&P in accordance with N.J.A.C. 10:90-6.1(c)(6) prior to terminating Petitioner's EA benefits. See Initial Decision at 7; see also Exhibit R-1 at 32-34.

In addition, however, I find that in order for Petitioner to be eligible for EA benefits, she must first have an open DCP&P case, and second, DCP&P must agree to consult with the Agency and coordinate a DCP&P plan, along with the Agency's EA service plan and Individual Responsibility Plan. See N.J.A.C. 10:90-6.1(c)(6)(i), and DFDI 05-12-03 at 2, 5. Further, I find that if Petitioner does not have an open DCP&P case, or if DCP&P does not agree to coordinate with the Agency in accordance with the requirements set forth in the DFDI then the Agency's termination of EA benefits to Petitioner, effective March 20, 2022, and the imposition of a six-month period of ineligibility for EA benefits, shall stand. See Exhibit



R-1 at 32-34; see also N.J.A.C. 10:90-6.3(c)(3), and DFDI 05-12-03 at 2-5. Based on the foregoing, I am remanding the matter to the Agency and directing it to contact DCP&P in this regard. The Initial Decision is modified to reflect these findings.

By way of comment, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, if it is determined that her DCP&P case is closed, the six-month EA ineligibility penalty shall begin to run as of the date the issuance of this Final Agency Decision (“FAD”). In the alternative, if it has been determined that Petitioner does have an open DCP&P case, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of DCP&P’s refusal to coordinate with the Agency in accordance with N.J.A.C. 10:90-6.1(c)(6) and DFDI 05-12-03, should such instance occur.

By way of further comment, a copy of the Initial Decision and FAD in this matter shall be forwarded to DCP&P.

Accordingly, the Initial Decision in this matter is hereby MODIFIED, the Agency’s determination is REVERSED, and the matter is REMANDED to the Agency based on the discussion above.

Officially approved final version.

July 12, 2022

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Natasha Johnson  
Assistant Commissioner

