



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 **02062-22 H.R.**

AGENCY DKT. NO. **C063569020 (UNION COUNTY DIVISION 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, contending that he had failed to pay his pro rata share of the rent, and imposed a six-month EA ineligibility penalty, contending that he caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 23, 2022, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 24, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's EA benefits on March 3, 2022, for failure to pay his portion of the rent, as required by regulation, and imposed a six-month EA ineligibility penalty, contending that Petitioner had caused his own homelessness. See Initial Decision at 3; see also Exhibits R-1B, R-1C, and R-4, R-4A – R-4D, and N.J.A.C. 10:90-6.5(a)(1) – (4). However, the ALJ found that due to the several code violations regarding his rental unit, Petitioner had been warranted in using his thirty percent rental contribution to pay for expenses related to the housing code violations. See Initial Decision at 3-4; see also Exhibits P-1, P-2. Further, the ALJ found Petitioner credible when he testified that he had informed the Agency of said violations, and found the record devoid of any attempt actually made by the Agency to assist Petitioner in securing more suitable housing. See Initial Decision at 3-4. Moreover, the ALJ found that the regulatory authority cited in the Agency's EA benefits termination notice, citing N.J.A.C. 10:90-6.5(a)(1) – (4), does not provide for the for the termination of Petitioner's EA benefits and the imposition of a six-month EA ineligibility penalty, as it does not address the Agency's allegation that Petitioner caused his own homelessness resulting from his eviction from the rental property. See Initial Decision at 5; see also Exhibit R-4E, R-4F. Accordingly, the ALJ determined that Petitioner had not received proper notice as required pursuant to N.J.A.C. 10:90-9.1(a)(iii), and on that basis, concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 4-6; see also Exhibit R-4E, R-4F. I agree.

Exceptions to the Initial Decision were filed by the Agency on March 28, 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 in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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



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

Officially approved final version.

March 30, 2022

Natasha Johnson
Assistant Commissioner

