



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 **08926-22 J.C.**

AGENCY DKT. NO. **C044207005 (CAPE MAY 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 ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to provide all requested documents, and that the document he did provide was falsified. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 11, 2022, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 12, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, "EA benefits shall not be provided for a period of six months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause, for reasons that may include, but are not limited to, (c)(3)(i) through (ix) below ... (i) For the purpose of making himself or herself eligible for EA[.]"

Here, the record reflects that the Agency had requested Petitioner to submit documentation verifying his current and prior addresses, a requirement for EA benefits eligibility. See Initial Decision at 2-3; see also Exhibit R-1 at 42-45, and N.J.A.C. 10:90-2.2(a)(5), -6.1(c), -6.3(a)(ii). However, the Agency determined the address verification document that Petitioner had provided was falsified, and accordingly denied Petitioner EA benefits and imposed a six-month EA ineligibility penalty. See Initial Decision at 2-3; see also Exhibit R-1 at 10-15, and N.J.A.C. 10:90-6.3(a)(ii). After considering the testimony of the parties, and after an examination of the subject document, the ALJ concluded that the preponderance of credible evidence presented supported that Petitioner had submitted falsified information in order to receive EA benefits. See Initial Decision at 3-5; see also Exhibit R-1 at 48-49. Based on the foregoing,



the ALJ concluded that Petitioner had violated the terms of his EA service plan (“SP”), and as such, further concluded that the Agency’s denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1 at 10-15, and N.J.A.C. 10:90-6.6(a). I agree with the ALJ’s ultimate conclusion, however, based on an independent review of the record, I find that the record is devoid of an executed SP, and moreover, as Petitioner had been receiving immediate need housing assistance, and not EA benefits, an SP is not required, nor is one executed. See Initial Decision 2; see also N.J.A.C. 10:90-6.6(a). Therefore, I find that the regulatory authority relied upon by the ALJ is misplaced. See Initial Decision at 4-5. Rather, I find that the relevant regulatory authority in this matter is N.J.A.C. 10:90-6.1(c)(3)(i), and that Petitioner provided said falsified documents in order to make himself eligible for EA benefits, thereby causing his own homelessness. See Initial Decision at 3-4. Therefore, in accordance with the applicable regulatory authority, I conclude that the Agency’s denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. Further, I note that the Agency’s adverse action notice comports with the basis upon which the aforementioned conclusion is made. See Exhibit R-1 at 12. The Initial Decision is modified to reflect these findings and the appropriate legal authority in this matter.

Accordingly, the Initial Decision is hereby MODIFIED and the Agency’s action is AFFIRMED, as discussed above.

Officially approved final version.

October 20, 2022

Natasha Johnson

Assistant Commissioner

