



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **07989-22 M.T.**

AGENCY DKT. NO. **C087567018 (SOMERSET COUNTY BOARD 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 penalty, contending that she had failed to appear for three separate EA placements, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2022, the Honorable Sarah H. Surgent, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 22, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that, following an earlier fair hearing on April 18, 2022, Petitioner was offered appropriate shelter placement, once Petitioner had located separate placement for her pet. See Initial Decision at 2. Thereafter, on May 19, 2022, Petitioner was advised to call the shelter to complete the pre-screening process. Ibid. On June 16, 2022, the Agency learned that Petitioner was not at the shelter because she had failed to appear for her appointment there the week prior, and as a result, was turned away from the shelter on June 15, 2022. Ibid. On July 1, 2022, the Agency learned that Petitioner had once again failed to appear at the shelter for the pre-screening process and did not report at the shelter on June 30, 2022. Ibid. Thereafter, on August 4, 2022, Petitioner was advised to call the shelter and failed to do as instructed. Ibid. As a result, effective August 4, 2022, the Agency terminated Petitioner's EA benefits, and a six-month EA penalty was imposed, for Petitioner's failure to appear at the shelter, as instructed, on three separate occasions, thereby causing her own homelessness. See Initial Decision at 2-3; see also Exhibit R-A. Based on the evidence presented, the ALJ agreed and concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA penalty, were proper and must stand. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(3), -6.3(a)(1). I 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, the six-month EA penalty shall run from August 4, 2022, the effective date of the Agency's termination of EA benefits, through February 3, 2023. See Exhibit R-A.

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

Officially approved final version.

September 28, 2022

Natasha Johnson
Assistant Commissioner

