



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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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 8870-15 L.M.

AGENCY DKT. NO. GA389842 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she failed to show up at her shelter placement on the designated date, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 23, 2015, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 24, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

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, . . ."

Here, the record shows that the Agency provided Petitioner with EA benefits in the form of a shelter placement. See Initial Decision at 2. Petitioner was directed to report to the shelter on June 9, 2015, and was given a voucher for that date. Ibid.

However, Petitioner did not have transportation for that date, called the shelter, and the shelter advised her to come in on June, 10, 2015, which she did. *Id.* at 3. Upon arrival, Petitioner was advised that she had to get another voucher. *Ibid.* Thereafter, on June 11, 2015, Petitioner went into the Agency to obtain a new voucher, and was told that it was not seeing clients. *Ibid.* Subsequently, the Agency terminated Petitioner's EA benefits because she failed to report to the shelter, allegedly without good cause. *Id.* at 2.

Based on the foregoing sequence of events, the ALJ found, and I concur, that there were mitigating circumstances, beyond her control, that prevented Petitioner from reporting to the shelter. *Id.* at 3. In addition, the ALJ found that Petitioner was dealing with her father's terminal illness at the time, he has since passed, and she appears to have a mental or psychological disability. *Ibid.* Accordingly, I find that Petitioner had good cause for not reporting to the shelter on the designated date, and therefore, the Agency improperly terminated her EA benefits.

By way of comment, as it appears from the record that Petitioner may have substance abuse and mental health issues, see Initial Decision at 3 and Exhibit P-1 at 5, the Agency should refer Petitioner for Substance Abuse Initiative and Behavioral Health Initiative evaluations to determine whether she lacks the functional capacity to plan and avoid homelessness. See N.J.A.C. 10:90-6.1(c)(1)(iii). Should Petitioner be found functionally incapacitated, then Petitioner is required to engage in appropriate substance abuse and/or mental health treatment, which requirements shall be incorporated into her Individual Responsibility Plan and any EA service plan. *Ibid.*

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

*Signed Copy on File*

at DFD, BARA

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Natasha Johnson  
Director

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