



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 **04154-24 C.A.**

AGENCY DKT. NO. **C137117015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had violated motel rules, resulting in her termination from said placement, and that she had also refused appropriate housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 1, 2024, the Honorable Gauri Shirali Shah, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 2, 2024, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided."

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, "[t]hreatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents." See N.J.A.C. 10:90-6.3(c), (3); see also DFD Instruction ("DFDI") No. 21-02-03.

Here, the ALJ found, and the record substantiates, that Petitioner was terminated from a motel placement for violating motel rules by engaging in multiple instances of threatening/disruptive actions, which resulted in local police involvement on multiple occasions, and Petitioner's subsequent termination from her EA placement. See Initial Decision at 3; see also Exhibits R-6 through R-11. Although Petitioner disputed the claims that she had engaged in disruptive and threatening behavior, the ALJ found that Petitioner's testimony was not credible. See Initial Decision at 3-4. Additionally, based on Petitioner's positive testing for drugs on three occasions, the Agency determined that the appropriate EA placement for Petitioner was inpatient treatment, however Petitioner refused such placement. See Initial Decision at 3-5. Based on the foregoing, the ALJ concluded that Petitioner had engaged in improper disruptive behaviors at her motel placement, had violated the terms of her SP, warranting EA benefits termination, and furthermore, had refused appropriate placement. See Initial Decision at 5-6. As such, the ALJ affirmed the Agency's termination of Petitioner's EA benefits. See Initial Decision at 7; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(1), -6.3(c)(3). While I agree with the



Agency's ultimate determination and the ALJ's ultimate conclusion in this matter, I note that in instances such as this, where violations of motel/shelter rules are at issue, it is the type of motel/shelter rule violation which is controlling, not an EA recipient's SP. See N.J.A.C. 10:90-6.3(c) and N.J.A.C. 10:90-6.3(e).

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version. April 11, 2024

Natasha Johnson
Assistant Commissioner

