



## State of New Jersey

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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 **02021-24 D.L.**

AGENCY DKT. NO. **C124903015 (OCEAN 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 ineligibility penalty, contending that he had violated motel policy, resulting in his termination from two shelter placements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 16, 2024, the Honorable Michael R. Stanzone, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 20, 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 MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

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. However, N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for other, less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e); see also DFDI No. 08-05-04 at 10. An adult EA benefits recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e)(1).

Here, the record reflects that Petitioner executed an EA service plan ("SP") wherein he agreed, among other things, to comply with motel rules/policies, and understood that the violation of such rules would result in the termination of his EA benefits for a period of six months. See Initial Decision at 2-3; see also Exhibits R-2, R-3, R-4, and N.J.A.C. 10:90-6.6(a). The ALJ found, and the witness testimony and record provided substantiated, that Petitioner had violated motel rules at two motel placements by engaging in continued disruptive and threatening behavior, resulting in the police being called at one motel, and resulting in his termination from those two motel placements. See Initial Decision at 2-4; see also Exhibits R-5, R-7, and N.J.A.C. 10:90-6.3(c)(3). Although Petitioner disputed the claims that he had engaged in disruptive and threatening behavior, the ALJ found that Petitioner's testimony was not credible. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that Petitioner had violated the terms of his SP, and on that basis, affirmed the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility



penalty. See Initial Decision at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). While I agree with the Agency's ultimate determination and the ALJ's ultimate conclusion in this matter, 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 Petitioner's SP. See Initial Decision at 6-7; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). The Initial Decision, as well as the Agency's determination are modified to reflect these findings with respect to the applicable legal basis in this matter.

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

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

Officially approved final version. March 7, 2024

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Natasha Johnson  
Assistant Commissioner

