



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

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 **04652-24 J.D.**

AGENCY DKT. NO. **C128213015 (OCEAN COUNTY BOARD 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's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had engaged in disruptive behavior which affected the operation of the motel and safety of other residents. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 15, 2024, the Honorable Allison Friedman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 16, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on April 17, 2024.

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 REVERSE 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)(1) (emphasis added); 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 applied for EA benefits on March 27, 2024, and at that time was explained the conditions of EA placement and signed an agreement, which included a provision with respect to a "violation of the facility's policies concerning visitation, e.g. outside/overnight guests." See Initial Decision at 2; see also Exhibits R-3. The record further shows that, on April 3, 2024, police had been called to the motel where Petitioner and his minor child were residing. See Initial Decision at 3. While it was alleged there was a physical altercation, no testimony or evidence from an individual with firsthand knowledge of an alleged physical assault was presented. See Initial Decision at 2. The ALJ found that Petitioner's rendition of the sequence of events from April 3, 2024, were completely in line with the facts as presented in the police report, and moreover, Petitioner was not ticketed or charged with any offense by the police. *Id.* at 3-5; see also Exhibit R-7. The ALJ in this matter found that the testimonial and documentary evidence presented substantiated that Petitioner did not engage in any threatening or disruptive behavior that affected the operation of the motel, nor had



Petitioner caused his own homelessness. See Initial Decision at 4, 6. I agree. Furthermore, based on an independent review of the record, it is also unclear if Petitioner was advised of “the facility’s policies concerning visitation, e.g. outside/overnight guests.” See Exhibit R-3 (emphasis added). Indeed, Petitioner testified that he was unaware that outside visitors must sign in, or of any other policy which would consider his relative, who was there at the motel for a short period of time, not overnight, to be unauthorized. See Initial Decision at 5. As such, I further find that no violation of N.J.A.C. 10:90-6.3(e)(1)(iii) occurred in this particular instance, but Petitioner is advised that he must abide by any motel/shelter rules with respect to outside visitors, and that two such violations could result in his EA benefits being terminated. See N.J.A.C. 10:90-6.3(e). The Initial Decision is modified to reflect these findings.

By way of comment, I have reviewed the Agency’s Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. April 25, 2024

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Natasha Johnson  
Assistant Commissioner

