



## 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 11479-23 J.W.

AGENCY DKT. NO. C133765011 (MERCER 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 she had violated the rules of her transitional housing placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 12, 2024, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 1, 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, 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, threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents, or a violation of the shelter's health and safety policies. See N.J.A.C. 10:90-6.3(c)(3) and -6.3(c)(5). 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 DFD Instruction 08-5-4 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, I concur with the ALJ's finding that Petitioner violated the rules of her transitional housing placement, by failing on several occasions to sign in to said placement before the 11 p.m. curfew, and that Petitioner failed to provide any credible explanation for such failure. See Initial Decision at 3-7; see also Exhibits R-4. However, based upon an independent review of the record, I find that Petitioner's transitional housing rule violation was minor, that this was Petitioner's first termination from a shelter placement for such curfew violation, and therefore, in accordance with applicable regulatory authority, it was improper for the Agency to terminate Petitioner's EA benefits, and impose a six-month EA ineligibility penalty, on that basis. See Initial Decision at 3-7; see also N.J.A.C. 10:90-6.3(e)(1)(i), (f). Accordingly, I reverse the Agency's determination. The Initial Decision is modified to reflect this finding.



By way of comment, for purposes of regulatory clarification, in instances such as this where a violation of shelter/motel rules is at issue, it is the type of violation which is controlling, not the EA Service Plan. See Initial Decision at ; see also N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e) and 10:90-6.6(a).

By way of further comment, Petitioner is advised that any future motel/hotel/shelter/transitional housing rule violations, without good cause, may result in the termination of her EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(c),(e), (f).

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

Officially approved final version. March 21, 2024

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Natasha Johnson  
Assistant Commissioner

