



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 **03576-24 T.B.**

AGENCY DKT. NO. **C215944013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had caused his own homelessness by failing to comply with placement rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 21, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 22, 2024, the ALJ issued an Initial Decision, affirming the Agency's EA termination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-7. Specifically, the record reflects that Petitioner entered into Last Chance Agreements with the Agency on June 3, 2021, and August 9, 2023, as well as an EA Service Plan on December 27, 2023, whereby Petitioner agreed to abide by EA placement rules, which included keeping the placement neat and clean, removing trash, and if said rules were not adhered to, Petitioner understood that his EA placement would terminate. See Initial Decision at 2; see also Exhibit R-1 at 1, 2, 18-20. On February 22, 2024, during a field visit to Petitioner, it was conclusively determined, and the record clearly substantiates, that Petitioner was not in compliance with cleanliness policies, and as a result, by notice dated February 26, 2024, Petitioner's EA benefits were terminated. See Exhibit R-1 at 12-13; see also N.J.A.C. 10:90-6.3(c)(5). Based on the documentary and testimonial evidence presented, the ALJ in this matter found that the Agency's termination of Petitioner's EA benefits, due to Petitioner's failure to follow placement rules, was proper and must stand. See Initial Decision at 7. I agree.

Additionally, the ALJ noted that a violation of regulation N.J.A.C. 10:90-6.3(c) carries with it a six-month EA ineligibility penalty; however, no penalty was listed on the Agency's adverse action notice, and no testimony had been proffered seeking an EA penalty. Ibid. Based on the particular circumstances presented through the record of this case, I find that Petitioner has various health issues, and as such, I find that, at the time, he lacked the functional capacity to avoid the behaviors that contributed to his homelessness in this case, and as such, no six-month EA ineligibility penalty shall be imposed. See N.J.A.C. 10:90-6.1(c)(1)(iii). Additionally, pursuant to N.J.A.C. 10:90-6.3(i)(1), "[o]n a case-by-case basis and in consultation with DFD, the [six-month EA ineligibility] penalty may also be lifted when deemed appropriate by the county or municipal agency." Furthermore, the record indicates that an outside organization, Beacon of Life, has, and is, assisting Petitioner with services, and remediating the situation that led to Petitioner's EA benefits termination. See Initial Decision at 4.

No Exceptions to the Initial Decision were received.



By way of comment, Petitioner is without prejudice to reapply for EA benefits, but is advised that, if EA benefits are granted, and noncompliance with his EA service plan and/or motel/shelter rules again occurs, EA benefits may be terminated and a six-month period of ineligibility for EA benefits imposed.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

Officially approved final version. April 4, 2024

Natasha Johnson
Assistant Commissioner

