



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 04181-21 A.P.

AGENCY DKT. NO. S634825012 (MIDDLESEX COUNTY BD. 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 violated shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 14, 2021, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On May 17, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner violated shelter rules by engaging in threatening and/or disruptive behavior. See Initial Decision at 3, 6-7; see also Exhibit R-1 at 3, 11-12, 17 and N.J.A.C. 10:90-6.3(c)(3). Specifically, the record reflects that Petitioner was terminated from her shelter placement due to a dispute with her roommate, triggering a psychiatric event which lead to her threatening the shelter staff and threatening to do herself harm, resulting in her removal from the shelter by the police and her transport to the local hospital. See Initial Decision at 3, 5-6; see also Exhibit R-1 at 11-12, 17. The record also reflects that the Agency had taken into consideration Petitioner's mental health issues and had offered to continue her EA benefits if she agreed to take her prescribed mental health medications, and if she complied with her previously agreed upon psychiatric outpatient counseling. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(g). However, the record substantiates, and Petitioner admitted, that she suffers from certain mental health issues, yet she adamantly refused to take her medication or to attend outpatient counseling. See Initial Decision at 4-5; see also Exhibit R-1 at 1, 3, and 14. Although Petitioner claimed that she had not engaged in such threatening and/or disruptive behavior, the ALJ found that Petitioner had failed to provide any corroborative evidence to substantiate that claim. See Initial Decision at 3, 5-7. Based on the foregoing, the ALJ found that Petitioner violated shelter rules, and that her behavior directly caused her own homelessness. *Id.* at 4-7. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 7; see also Exhibit R-1 at 13, and N.J.A.C. 10:90-6.1(c)(3)(vi), -6.3(c)(3). I agree.

No Exceptions to the Initial Decision were received.



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As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, of note, in instances such as this, where a violation of motel/shelter rules are at issue, it is the type of violation which is controlling, not the EA service plan. See N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e). See Initial Decision at 4-6.

By way of further comment, as Petitioner has been receiving continued assistance pending the outcome of this fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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

Officially approved final version.

JUN - 1 2021

Natasha Johnson
Assistant Commissioner

