



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
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 02938-21 C.B.

AGENCY DKT. NO. S563565012 (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 he violated motel rules, and failed to comply with his EA service plan ("SP") by violating motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 31, 2021, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 1, 2021, 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 AFFIRM 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, "destruction of shelter property or the property of others," or "threatening 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)(2), (3); see also DFD Instruction ("DFDI") No. 21-02-03.

Here, the record indicates that Petitioner had executed EA service plans ("SP"), wherein he agreed to comply with motel/shelter rules. See Initial Decision at 3-4. The ALJ found that Petitioner had violated the rules of his motel placements by engaging in altercations with other motel guests, and by destroying motel property, resulting in police involvement and his termination from two motel placements. *Id.* at 4-5. The ALJ also found that the Agency had proffered credible testimony and evidence proving that Petitioner had violated his SP when he had violated motel rules. *Id.* at 5. Based on the foregoing, the ALJ concluded that Petitioner had violated the terms of his SPs, without good cause, by violating motel rules, and on that basis, affirmed the Agency's termination of Petitioner's EA benefits and imposition of a six-month EA ineligibility penalty. *Id.* at 5-6; see also N.J.A.C. 10:90-6.6(a). While I agree with



the ALJ's ultimate conclusion, in instances such as this, where violations of motel/shelter rules are at issue, it is the type of violation which is controlling. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e). In this instance, the record indicates that Petitioner's disruptive and destructive behaviors, resulted in his termination from his motel placements, and on those bases, I find that Petitioner is ineligible for EA benefits for a period of six months in accordance with N.J.A.C. 10:90-6.3(c)(2), (3). See Initial Decision at 4-5. Accordingly, I find 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 5-6; see also DFDI No. 21-02-03. The Initial Decision is modified to reflect this finding with respect to the applicable legal basis in this case.

Moreover, the ALJ found Petitioner ineligible for EA benefits because he was not a Work First New Jersey/General Assistance benefits recipient, nor a Supplemental Security Income benefits recipient, and on that basis, concluded that the Agency's termination of Petitioner's EA benefits was also proper and must stand. See Initial Decision at 3, 5; see also N.J.A.C. 10:90-6.2(a). I agree.

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 AFFIRMED, as outlined above.

Officially approved final version. **APR 15 2021**

Natasha Johnson
Assistant Commissioner

