



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 00745-21 R.J.

AGENCY DKT. NO. S629218012 (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 was terminated from motel placement for violating motel rules, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 28, 2021, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 29, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner violated motel rules at both her first and second motel placements by engaging in behavior that caused destruction of shelter property. See Initial Decision at 2-3, 5; see also Exhibits R-7, R-11, R-12. Specifically, the record reflects that Petitioner was terminated from her first motel placement for throwing garbage in the sink and toilet on numerable occasions which lead to problems in the sewage line, and was terminated from her second motel placement for continually running the shower throughout the night which caused water damage to the motel room. Ibid. The ALJ also found that Petitioner had an unauthorized guest staying overnight with her at the second motel placement. See Initial Decision at 5-6; R-12. Although Petitioner claimed that it had been her overnight guest who had left the shower on all night, the ALJ found that Petitioner was ultimately responsible for what happened in her motel room, particularly when that conduct was alleged to have been done by an unauthorized guest in her room. See Initial Decision at 5-6. Moreover, Petitioner was advised, and acknowledged, that her EA benefits would be terminated for a period of six-months if she violated motel rules at her second motel placement. Id. at 5; see also Exhibit R-8, and N.J.A.C. 10:90-6.3(h). Based on the foregoing, the ALJ concluded that Petitioner violated shelter rules, without good cause. See Initial Decision at 4-7. Accordingly, the ALJ further 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 6-7; see also Exhibit R-13, and N.J.A.C. 10:90-6.3(c)(2), (6), and -6.3(e)(1)(iii). I agree.

Exceptions to the Initial Decision were filed by Petitioner on February 2 and 4, 2021.



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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, Petitioner is advised that her six-month EA ineligibility penalty shall run from January 30, 2021, the date of the Agency's termination, through July 29, 2021. See Exhibit R-13.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Also by way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Moreover, Petitioner included documents with her Exceptions which were not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

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

Officially approved final version.

FEB 11 2021

Natasha Johnson
Assistant Commissioner

