



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 00076-21 S.J.

AGENCY DKT. NO. C067249012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she violated motel rules at two separate motel placements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 16, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 8, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency terminated Petitioner's EA benefits, contending that she had violated the same motel rule, in two separate motel placements, by allowing an unauthorized visitor to stay in her room, resulting in her removal from said motels. See Initial Decision at 4-5; see also Exhibits R-9, R-11, R-12, R-13, R-14, R-15, and N.J.A.C. 10:90-6.3(e). However, the ALJ found that, although the Agency had provided competent evidence to establish that Petitioner had violated the motel visitation policy at her second motel placement, it had not provided competent evidence to establish that Petitioner had violated the same motel visitation policy at her first motel placement. See Initial Decision at 5-8; see also Exhibits R-9, R-10, R-12, R-13, R-14, and N.J.A.C. 1:1-15.5. As such, the ALJ found that this was Petitioner's first removal from a motel placement due to a violation of a motel visitation policy, and in accordance with N.J.A.C. 10:90-6.3(e)(1)(iii), Petitioner remains eligible for EA benefits. See Initial Decision at 7-8. Moreover, the ALJ found, and the record substantiates, that Petitioner had mental health barriers that prevented her from complying with the motel rules, and therefore, she had good cause for her non-compliance, and remains eligible for EA benefits. See Initial Decision at 2-3, 6-8, 10; see also Exhibits R-1, R-3, R-20, R-27, and N.J.A.C. 10:90-6.3(g). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper, and ordered the Agency to evaluate Petitioner's particular circumstances and to provide her with an appropriate housing placement, which may include placement at a supervised facility. See Initial Decision at 10-11; see also Exhibit R-15, and N.J.A.C. 10:90-6.3(e), (f), (g). I agree.

Exceptions to the Initial Decision were filed by the Agency on March 17, 2021.



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 any future hotel/motel/shelter rule violation, without good cause, may result in a termination of her EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(c), (e).

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

APR 13 2021

Natasha Johnson

Assistant Commissioner

