



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 00856-21 V.V.

AGENCY DKT. NO. C074643012 (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 by smoking in his room. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was initially scheduled for April 6, 2021, but was adjourned at the request of the Agency. On May 11, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On May 27, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner was required to comply with motel/shelter rules. See Initial Decision at 2-3; see also Exhibits R-1 through R-5. The ALJ found, and the record substantiates, that Petitioner had violated motel rules by smoking in his room in violation of health and safety policies. See Initial Decision at 3; see also Exhibit R-8, and N.J.A.C. 10:90-6.3(c)(5). Specifically, the ALJ found that the Agency Inspector's testimony, first-hand observations, "Hotel Incident Form," along with photographic documentation, substantiated said motel rule violation by Petitioner. See Initial Decision at 3-5; see also Exhibits R-9, R-10. Although Petitioner disputed that he had been smoking in his motel room, the ALJ found Petitioner's testimony inconsistent with the facts and physical evidence found in his motel room, and therefore, not credible. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that Petitioner had violated motel rules, by smoking in his room, 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 5-7; see also Exhibit R-11, and N.J.A.C. 10:90-6.3(c)(5). I agree.

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 Initial Decision at 2-3, 7; see also N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e).

By way of further comment, as Petitioner has been receiving continued assistance pending the outcome of the fair hearing, his 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 29 2021

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Natasha Johnson  
Assistant Commissioner

