



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **09835-22 B.M.**

AGENCY DKT. NO. **S477041014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

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 had caused his own homelessness when he was terminated from his rooming house placement due to rooming house rule violations, and that he had violated his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 22, 2022, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow for the submission of additional documents, and then closed on December 5, 2022.

On December 7, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found, and Petitioner admitted, that he had been terminated from his rooming house placement due to having an unauthorized guest staying in his room, in violation of rooming house rules. See Initial Decision at 3-6, 8-9, 12; see also Exhibit R-B at 14. However, the ALJ found that this was Petitioner's first termination from a shelter placement due to a violation of a shelter visitation policy. See Initial Decision 3, 5, 8, 13-15. Based on the foregoing, the ALJ found that, in accordance with N.J.A.C. 10:90-6.3(e)(1)(iii), which provides that an EA recipient shall be eligible for continued EA benefits for certain shelter/motel violations, including, but not limited to, the violation of a facility's policies concerning visitation by outside guests, Petitioner remains eligible for EA benefits. See Initial Decision at 13-15. The ALJ also found that, although the drug paraphernalia found in Petitioner's room was a violation of the rooming house health and safety policy, this drug-related issue was related solely to the overnight visitor, and not the fault of Petitioner. See Initial Decision at 4, 6-7, 15, and N.J.A.C. 10:90-6.3(c)(5). Additionally, the ALJ found that no SP had been executed by Petitioner relevant to his placement at the rooming house or its shelter rules, and as such, the ALJ did not address the Agency's alleged SP violation issue. See Initial Decision at 8. 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 improper and must be reversed. See Initial Decision at 15-16; see also Exhibit R-A at 2-9. I agree. Given the preceding conclusion, the ALJ further concluded, that no analysis was necessary on the other issues presented. See Initial Decision at 8-9 13, 15. I also agree.

Exceptions to the Initial Decision were filed by the Agency on December 14, 2022.

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 hereby advised and put on notice that if he again violates hotel/motel/shelter rules, his EA benefits may be terminated and a six-month EA ineligibility penalty imposed. See N.J.A.C.10:90-6.3(c), (e)(1), (f).



By way of further comment, based upon the record, the Agency should again refer Petitioner for Substance Abuse Initiative and Behavioral Health Initiative evaluations, if it has not already done so. See Initial Decision at 3-7; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Should that assessment require Petitioner to engage in treatment, that requirement shall be incorporated into his Individual Responsibility Plan (“IRP”) and his SP. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii). Petitioner is advised that if he fails to comply with any such treatment requirements, his EA benefits may be terminated and a six-month EA ineligibility penalty imposed. See N.J.A.C. 10:90-6.6(a).

By way of further comment, I have reviewed the Agency’s Exceptions, and 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. January 24, 2023

Natasha Johnson
Assistant Commissioner

