



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 **07184-23 J.A.**

AGENCY DKT. NO. **S586159012 (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. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 3, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On October 23, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, the record substantiates, and Petitioner admitted, that he had a cooking device in his motel room, specifically a crockpot, plugged in, and that it contained food, in violation of motel rules. See Initial Decision at 4-6, 8; see also Exhibits R-5 through R-8, R-11, and N.J.A.C. 10:90-6.3(c)(5). The ALJ found that the Agency Investigator's first hand observations, "Hotel Incident Form," photographs, and testimony provided competent evidence to substantiate the fact that Petitioner had been cooking in his motel room, without permission, in violation of motel rules. See Initial Decision at 4-6; see also Exhibit R-7, R-8. Although Petitioner claimed that he did not cook the food found in the crockpot, but was given the food by his sister, and that he was only heating up the food, the ALJ found the act of food preparation itself to be irrelevant because the documentary evidence showed that a cooking device was plugged in and contained food, in violation of the motel's health and safety policy. See Initial Decision at 3, 6; see also Exhibits R-5, R-9. The ALJ also found, and Petitioner admitted, that he had an unauthorized person stay overnight in his motel room, in violation of motel rules. See Initial Decision at 3-6, 8; see also Exhibit R-5, and N.J.A.C. 10:90-6.3(e)(3)(1)(iii). Further, the ALJ found that Petitioner did not have a dog in his room, and did not smoke in his room. See Initial Decision at 4, 6. Additionally, the ALJ found that the Agency had reviewed and explained the motel rules to Petitioner, and that Petitioner had given verbal consent to the Agency casework to sign the "Addendum to Service Plan for Shelter/Motel Placement" document, wherein those rules were stated, on his behalf. See Initial Decision at 3; see also Exhibit R-9, and N.J.A.C. 10:90-6.3(c). The record also reflects that Petitioner acknowledged and signed a form prepared by the motel wherein its motel policies were listed. See Initial Decision at 3-4; see also Exhibit R-5. In addition, although it appears from the record that Petitioner may have mental health issues, Petitioner acknowledged that his mental health issues did not prevent him from



complying with such motel rules. See Initial Decision at 5, 8; see also N.J.A.C. 10:90-6.3(g). Based on the foregoing, the ALJ found that Petitioner had violated motel rules, without good cause, and as such, concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, on the basis of having used a cooking device in his motel room, were proper and must stand. See Initial Decision at 7-8; see also Exhibit R-10, and N.J.A.C. 10:90-6.3(c)(5). I agree.

Exceptions to the Initial Decision were filed by Petitioner on October 27, 2023.

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, as Petitioner has been receiving continued assistance pending the outcome of this fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision. See Initial Decision at 12.

By way of further 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.

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.

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

Officially approved final version. December 06, 2023

Natasha Johnson
Assistant Commissioner

