



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 11267-22 M.E.

AGENCY DKT. NO. C089909011 (MERCER COUNTY BOARD 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 multiple motel placements for violating motel rules, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 22, 2022, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On December 23, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, the Agency and witness testimony corroborated, and Petitioner did not deny, that Petitioner had violated motel rules at four separate motel placements by engaging in disorderly behavior, threatening and/or disruptive behavior, and the consumption of alcohol. See Initial Decision at 3-5, 8-9; see also N.J.A.C. 10:90-6.3(c)(3), (4). Additionally, the ALJ found that Petitioner had also violated motel rules by having unauthorized guests and a dog staying overnight with her at one of the motel placements. See Initial Decision at 8-9; see also Exhibit R-9, and N.J.A.C. 10:90-6.3(e)(1)(iii). Although Petitioner claimed that she had mental health issues which contributed to her violation of motel rules, the ALJ found that Petitioner had failed to substantiate that claim. See Initial Decision at 6. Of note, the record reflects that Petitioner refused mental health assistance offered by the Agency through its Behavioral Health Initiative. *Ibid.* Moreover, Petitioner was advised, and acknowledged, that her EA benefits would be terminated for a period of six-months if she violated motel rules. *Id.* at 3, 6; see also Exhibits R-3, R-6. Based on the foregoing, the ALJ concluded that Petitioner violated motel rules, without good cause, thereby causing her own homelessness. See Initial Decision at 9-10; see also N.J.A.C. 10:90-6.1(c)(3), -6.3(c). Accordingly, the ALJ determined 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. See Initial Decision at 10; see also Exhibit R-7. I agree.

No Exceptions to the Initial Decision were received.



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, the ALJ also concluded that Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families benefits recipient, had received 36 months of EA benefits, and as such, she had exhausted her lifetime limit of EA benefits, plus the two six-month EA benefits extreme hardship extensions permitted, and on that basis, Petitioner was ineligible for EA benefits. See Initial Decision at 2, 5, 10; see also Exhibits R-6, and N.J.A.C. 10:90-6.4(a), (b), (d). However, as EA benefits exhaustion was not the basis for Petitioner's appeal, see Exhibit R-7, it has not been addressed in this Final Agency Decision.

By way of further comment, Petitioner is advised that her six-month EA ineligibility penalty shall run from December 17, 2022, the effective date of the Agency's termination, through June 16, 2023. See Exhibit R-7.

Also by way of 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.

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

Officially approved final version.

January 5, 2023

Natasha Johnson

Assistant Commissioner

