



## State of New Jersey

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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 **08289-22 M.T.**

AGENCY DKT. NO. **C162961020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner's application for EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated hotel rules, resulting in his termination from his hotel placement, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 21, 2022, but was adjourned as the Agency's witnesses were unavailable. On November 9, 2022, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On November 21, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, by notice dated August 30, 2022, the Agency denied Petitioner's application for EA benefits, terminated his hotel placement, and imposed a six-month EA ineligibility penalty, contending that Petitioner had been terminated from his hotel placement due to disorderly conduct, destruction of property, and/or criminal activity, thereby causing his own homelessness. See Initial Decision at 2-3; see also Exhibit R-1 at 2, 4-17, 20-21. The hotel manager testified that Petitioner had been smoking and drinking in the hotel parking lot, and that while smoking was permitted in the parking lot, drinking was not, and that such behavior was in violation of hotel protocol and bad for business, and therefore, Petitioner had been terminated from the hotel. See Initial Decision at 3-4; see also Exhibit R-1 at 18, 39. The hotel manager also indicated that Petitioner had created chaos at the front desk. See Initial Decision at 3. Petitioner testified that he had resided at that hotel for eight months without incident, and that when he was given a warning from the hotel desk clerk regarding his drinking in the parking lot, he never drank outside again. *Id.* at 4. Based on the credible testimony of the parties, the ALJ found that after Petitioner had been given the verbal warning regarding his drinking violation, he never drank outside again, and found that the Agency had offered no witness testimony to support its allegations that Petitioner had been terminated from his hotel placement due to disorderly conduct, destruction of property, or criminal activity. *Id.* at 4-5. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty,



were improper and must be reversed. Id. at 5; see also Exhibit R-1 at 4-8, and N.J.A.C. 10:90-6.1(c) (3), -6.3(c) (1) through (6). I agree.

However, the record indicates that Petitioner has exhausted his 12-month lifetime limit of EA benefits, plus one six-month EA benefits extreme hardship extension, and as such, he must apply for an extension of EA benefits. See Initial Decision at 2-3; see also Exhibit R-1 at 41, and N.J.A.C. 10:90-6.4(a), (b), and State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 (“S866”), also known as Emergency Assistance for Specific Groups (“EASG”), which extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and Supplemental Security Income (“SSI”) benefits recipients. Accordingly, the ALJ directed the Agency to assist Petitioner with his application for an extension of EA benefits. See Initial Decision at 5. I also agree.

No Exceptions to the Initial Decision were filed.

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.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s action is REVERSED.

Officially approved final version.

January 19, 2023

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Natasha Johnson  
Assistant Commissioner

