



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 **00999-23 R.R.**

AGENCY DKT. NO. **C169825011 (MERCER COUNTY BOARD OF SOC. SVCS..)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he violated motel placement rules and failed to comply with his EA service plan ("SP"), thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. An initial hearing was held on December 14, 2022, with an Initial Decision was rendered on December 15, 2022. However, on January 19, 2023, this office remanded the matter back to the OAL for a new hearing. On May 30, 2023, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing on the remanded matter, took testimony, and admitted documents. The record closed on August 23, 2023. On October 10, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on October 18, 2023.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

EA benefits recipients are required to develop and sign an SP with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid. In addition, EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, "threatening and/or disruptive, that affects the operations of the shelter or the safety of other residents," or "destruction of shelter property or the property of others." See N.J.A.C. 10:90-6.3(c)(2), (3); see also DFD Instruction ("DFDI") No. 21-02-03.

Incorporating the testimony and facts set forth at the prior December 14, 2022, hearing, docketed under OAL Docket No. HPW 10975-22, and accepting further testimony and documentation from the parties



at this present hearing, as necessary, the ALJ issued his October 10, 2023, Initial Decision, de novo, on the merits presented in this matter. See Initial Decision at 2-4. Based on the testimony of the parties, and the documentation submitted, the ALJ found that Petitioner had violated shelter rules by engaging in threatening and/or disruptive behaviors, and by engaging in destructive behaviors, in violation of his EA service plan (“SP”), resulting in his termination from several shelter placements. Id. at 4-7; see also Exhibits R-2 through R-8, R-10, R-11, R-13, R-14, R-18 through R-21, R-24, R-26. Although Petitioner claimed that he had mental health issues which prevented him from compliance with his shelter rules and SP, the ALJ found that Petitioner had failed to provide any documentation to substantiate his mental health claims, even though he had been given adequate time to do so. See Initial Decision at 5-8; see also Exhibit R-18. Specifically, the ALJ found that Petitioner had ample time since the onset of this case to provide such documentation, and to request or seek mental health assistance, yet he failed to do so. See Initial Decision at 7-8. The record also reflects that Petitioner failed to follow through with mental health assistance when offered, and failed to take medication that he claimed was necessary to address any such mental health condition. Id. at 4-5, 8; see also Exhibit R-18, and N.J.A.C. 10:90-6.3(g). Based on the foregoing, the ALJ concluded that the Agency’s termination of Petitioner’s EA benefits was proper and must stand. See Initial Decision at 7-8; see also Exhibit R-16, and N.J.A.C. 10:90-6.3(c)(2), (3), -6.6(a). I agree, and as such, I hereby impose a six-month EA ineligibility penalty upon Petitioner. See N.J.A.C. 10:90-6.3(c). The Initial Decision and the Agency are both modified to include the imposition of the EA ineligibility penalty.

By way of comment, as Petitioner has received continued assistance pending the outcome of this hearing, Petitioner’s six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of further comment, I hereby take official notice that the records of this office reflect that Petitioner recently closed his Supplemental Nutrition Assistance Program (“SNAP”) benefits case in Mercer County, and is now receiving SNAP benefits in another county. Petitioner is advised that any future applications for EA benefits must be submitted in the County where he currently resides.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency’s determination is MODIFIED, as outlined above.

Officially approved final version. December 07, 2023

Natasha Johnson
Assistant Commissioner

