



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 **01105-23 S.C.**

AGENCY DKT. NO. **C145763013 (MONMOUTH COUNTY DIV. 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 EA benefits, and imposed a six-month EA ineligibility penalty, contending that he was terminated from his rooming house placement due to rooming house rule violations. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 9, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 10, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits and was placed in a rooming house on an immediate need basis, was terminated from that placement due to alleged rooming house violations, and consequently, was denied EA benefits. See Initial Decision at 2; see also Exhibits R-11, R-12 and N.J.A.C. 10:90-1.3(a)(2), -6.3(c)(2), (3), -6.3(e)(iii). Based on the testimony of the Agency's representatives and the rooming house manager, which the ALJ found inconsistent, as well as the testimony of Petitioner, the ALJ found it undisputed that Petitioner had other people in his room, that he had moved a mattress and bedframe out of the room and put them on the ground, and that he had spoken inappropriately to a rooming house worker. See Initial Decision at 3-4, 7; see also Exhibit R-10. However, the ALJ found that such violations were minor and did not rise to the level of destructive or disruptive behaviors as alleged by the Agency, and that this was Petitioner's first termination from a motel/shelter/rooming house placement for such minor violations, and therefore, in accordance with regulatory authority, Petitioner remains eligible for EA benefits. See Initial Decision at 7; see also N.J.A.C. 10:90-6.3(e), (f). Further, the ALJ found no evidence that the Agency had reviewed with the Petitioner the reasons for his termination to determine if there were any barriers preventing him from EA compliance, as required by regulation N.J.A.C. 10:90-6.3(g). See Initial Decision at 7. Based on the foregoing, the ALJ affirmed the Agency's termination of Petitioner's immediate need rooming house placement, and reversed the Agency's denial of EA benefits to Petitioner, and imposition of a six-month EA ineligibility penalty. *Ibid.*; see also Exhibit R-22. I agree. Of note, however, immediate need assistance is not EA, and the denial/termination of immediate need assistance is not appealable, but rather it is the denial of EA benefits that is appealable. See Initial Decision at 8; see also N.J.A.C. 10:90-1.3, and Division of Family Development ("DFD") Instruction No. 19-04-01.

Exceptions to the Initial Decision were filed by the Agency on February 13, 2023.

As Assistant Commissioner, DFD, 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 Agency is instructed to evaluate Petitioner for any barriers he may have which may prevent him from EA compliance, and that any services needed to address such barriers shall be identified as mandatory activities in his EA service plan. Petitioner is advised that, for continued EA benefits eligibility, he shall be required to follow through with any services needed to address those barriers for continued EA eligibility.

By way of further comment, Petitioner is hereby advised and put on notice that if he again violates housing placement 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).

Also by way of 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. February 21, 2023

Natasha Johnson
Assistant Commissioner

