



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 14184-23 B.S.

AGENCY DKT. NO. C163652015 (OCEAN 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 failed to comply with her EA service plan ("SP") by failing to pay her 30 percent share of her rent, and violated shelter rules by engaging in disruptive behaviors. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 27, 2023, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 28, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed an SP, wherein she agreed, among other things, to pay 30 percent of her monthly rent. See Initial Decision at 2-3; see also Exhibit R-3. However, Petitioner failed to pay her required portion of the rent for the months of July and August 2023, in violation of the terms of her SP. See Initial Decision at 3; see also Exhibit R-3, and N.J.A.C. 10:90-6.5(a). As a result, the Agency terminated Petitioner's EA benefits, effective October 28, 2023, and imposed a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). The ALJ found that Petitioner did not refute any of the testimony against her. See Initial Decision at 4. Based on the foregoing, the ALJ concluded 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. *Id.* at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(ix), -6.6(a). I agree.

Additionally, the record reflects that Petitioner executed two temporary shelter "Client Agreements," wherein she agreed, among other things, to follow motel/shelter rules. See Exhibits R-2, R-6. The ALJ found, and the record substantiates, that Petitioner was terminated from two motel placements due to disruptive behaviors which required police involvement, that she also had permitted an unauthorized person to stay overnight in her motel room, and had also allowed unauthorized dogs to stay in her motel room. See Initial Decision at 2-3; see also Exhibits R-4, R-7. Again, Petitioner did not refute any of these allegations. See Initial Decision at 2-4. Accordingly, the ALJ found that Petitioner had violated motel rules, without good cause, and that her behaviors had thereby caused her own homelessness. *Id.* at



5-6. The ALJ also found that the Agency had considered Petitioner's mental health issues by requiring her, as stated in her SP, to participate in the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program, which at the time of the hearing, the ALJ found Petitioner had voluntarily stopped participating in. Id. at 4-6; see also Exhibit R-3 at 3, and N.J.A.C. 10:90-6.3(g). Based on the foregoing, the ALJ also concluded 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 4-6; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(c)(3), (5), -6.3(e)(1)(iii), -6.6(a). I also 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, Petitioner's EA ineligibility penalty shall run from October 28, 2023, the effective date of the termination, through April 28, 2024. See Exhibit R-1.

By way of further 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 9, 2024

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Natasha Johnson  
Assistant Commissioner

