



State of New Jersey

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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 **00486-24 W.J.**

AGENCY DKT. NO. **C216197013 (MONMOUTH COUNTY DIV. 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 he had violated motel rules, and refused alternate EA placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Petitioner originally had a plenary hearing scheduled on November 30, 2023, on which date the Agency presented its case, but the hearing was then adjourned to December 5, 2023, to allow Petitioner to present a witness and additional documentation. On December 5, 2023, Petitioner failed to appear for the hearing, and the case was then closed on December 15, 2023. On December 14, 2023, Petitioner contacted OAL to advise that he had not appeared for the hearing because he had been incarcerated, and following a written request to reinstate his appeal, the case was reopened and assigned a new OAL Docket number. The hearing then proceeded before the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), on February 9, 2024, but was adjourned to allow Petitioner to submit additional documentation. The hearing resumed on February 12, 2024, but Petitioner sent an email, and appeared at the telephonic hearing, maintaining that he was hospitalized and unable to properly present his case. On February 23, 2024, the hearing concluded and the record then closed. On March 15, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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

EA benefits recipients are required to develop and sign a Service Plan ("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 shall not be provided to adult recipients who violate hotel/motel or shelter rules, including the violation of health and safety policies by smoking in non-designated areas. See N.J.A.C. 10:90-6.3(c)(5).

Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-14. Specifically, the ALJ found that the credible testimonial evidence established that, despite multiple requests from the motel owner, Petitioner had refused to use the designated smoking area at the EA motel placement. See Initial Decision at 4-7, 12-14. After the motel where Petitioner had been residing asked that Petitioner be moved to another



facility, Petitioner refused to move to another motel. See Initial Decision at 5. As a result, on July 24, 2023, the Agency terminated Petitioner's EA placement, and imposed a six-month EA penalty. See Exhibit R-4. While Petitioner claimed that the motel had moved the designated smoking area, while being aware of Petitioner's physical limitations, Petitioner provided no evidence to substantiate his assertions. See Initial Decision at 10, 11. Based on the foregoing, the ALJ found that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month period of EA ineligibility, were proper and must stand. See Initial Decision at 13-14. Following an independent review of the record, I agree.

By way of comment, as noted by the ALJ, Petitioner's six-month EA ineligibility penalty has since lapsed, and as such, Petitioner is without prejudice to reapply for EA benefits, provided he is otherwise eligible for EA benefits. See Initial Decision at 13-14; see also Exhibit R-4 and N.J.A.C. 10:90-6.2(a).

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

Officially approved final version. April 25, 2024

Natasha Johnson
Assistant Commissioner

