



State of New Jersey

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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 15555-17 C.J.

AGENCY DKT. NO. C094207015 (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 he did not comply with the motel rules where he was residing, which violated the client agreements for temporary shelter that he signed on October 5, 2017, and October 10, 2017. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 19, 2017, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 3, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on October 5, 2017, Petitioner executed a Client Agreement for Temporary Shelter ("CATS") approving him for motel placement, effective September 25, 2017. See Initial Decision at 2; see also Exhibit R-3. In that October 5, 2017 CATS, Petitioner agreed, among other things, that his EA benefits would be terminated if he was asked to leave the temporary shelter for the following reasons: (b) destruction of shelter property or the property of others, and/or (c) threatening and/or disruptive behavior that affects the operations of the shelter or safety of other residents. Ibid.

The motel manager ("Manager") testified at the hearing regarding Petitioner's September 25, 2017, motel placement. See Initial Decision at 3. The Manager testified that Petitioner was very belligerent to her during his stay at the motel, and told her that she had no right to talk to him in a certain matter because the Agency was paying for his stay. Ibid. The Manager further testified that Petitioner was spray-painting outside of his room, blocking the walkway with car parts and that the blue spray-paint was being over-sprayed onto the motel's concrete walkway. Ibid. Finally, the Manager testified that when she went inside Petitioner's room, it was in shambles and there was blue paint on the bedspreads and sheets. Ibid. This testimony was corroborated by a letter sent on October 8, 2017, to the Agency from the Manager. Id. at 2; see also Exhibit R-4. The letter also stated that Petitioner would have to move elsewhere. Ibid.

On October 10, 2017, Petitioner signed a second CATS and was placed at another motel. See Initial Decision at 2; see also Exhibit R-5. The terms of the October 10th CATS were identical to the October 5, 2017, CATS. Ibid. On that same date, the Agency received a letter from the motel manager stating that when Petitioner arrived at the motel to check in, and the rules and regulations were explained to him, he became argumentative and told the motel staff to call the police. See Initial Decision at 2-3; see also Exhibit R-6. Consequently, Petitioner was not accepted at the motel. Ibid.

The ALJ found that Petitioner had signed and acknowledged that he understood both CATS. See Initial Decision at 7; see also Exhibits R-3, R-5. In addition, both documents set forth that their contents were read to the client and the ALJ found that the documents essentially parrot the language set forth in N.J.A.C. 10:90-6.3(c). Ibid. The ALJ also found that



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Petitioner destroyed motel property, specifically, the motel concrete walkway and bed sheets. See Initial Decision at 7; see also Exhibit R-4. Further, the ALJ found that at Petitioner's second motel placement he was argumentative and told the staff at the motel to call the police, and as such, the ALJ found that Petitioner's behavior can properly be determined to be threatening and/or disruptive behavior that affects the operations of the shelter or safety of the other residents. See Initial Decision at 7; see also Exhibit R-6 and N.J.A.C. 10:90-6.3(c)(3). Based on the foregoing, the ALJ concluded that Petitioner was terminated from the motel placements due to his own actions, and without good cause, and 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 7; see also Exhibit R-1, and N.J.A.C 10:90-6.3(c)(2),(3). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, his 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, the transmittal in this matter also indicates a transmitted contested issue pertaining to a termination of EA benefits due to Petitioner's failure to provide information. This issue was not addressed in the Initial Decision. However, as the Agency's termination of EA benefits was upheld on another basis, I find this issue to now be moot.

Also by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his 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.

FEB 15 2018

Natasha Johnson
Director

