



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
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 **08137-22 B.A.**

AGENCY DKT. NO. **C613218007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 had violated shelter rules, which resulted in her termination from her housing placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 26, 2022, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On that same date, 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

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, "[t]hreatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents" and/or "[d]estruction 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. However, N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for other, less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e); see also DFDI No. 08-05-04 at 10. An adult EA benefits recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e)(1).

Here, the ALJ found, and the record substantiates, that on August 14, 2022, Petitioner had violated shelter rules by engaging in disruptive and destructive behavior, specifically, by repeatedly missing the shelter curfew, becoming combative when confronted about missing curfew, and being escorted by the police out of the shelter, which resulted in her termination from her EA placement. See Initial Decision at



2; see also Exhibits R-1 at 15, 16-17. The ALJ further found that the August 14, 2022, incident occurred during Petitioner's third stay at that shelter, and that Petitioner had been previously terminated from shelter placements at other locations, due to violation of shelter rules. See Initial Decision at 2; see also Exhibit R-1 at 9. Based on the testimony and documentary evidence provided, the ALJ concluded that Petitioner's behavior directly caused her homelessness, and on that basis, affirmed the Agency's termination of Petitioner's EA benefits, and imposition of a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-1 at 3-5.

While I agree with the ALJ's ultimate conclusion in this matter, in instances such as this, where violations of motel/shelter rules are at issue, it is the type of violation which is controlling. See Initial Decision at 2; see also N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). In this case, the record indicates that Petitioner's disruptive behavior, as well as repeated shelter rule violations and terminations from multiple EA placements which are the bases where Petitioner's ineligibility for EA benefits lies. See N.J.A.C. 10:90-6.3(c)(3), (e)(1). The Initial Decision is modified to reflect this finding with respect to the applicable legal bases in this matter.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

September 29, 2022

Natasha Johnson

Assistant Commissioner

