



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 **00289-22 F.L.**

AGENCY DKT. NO. **C231206020 (UNION COUNTY DIVISION 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 shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 23, 2022, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 14, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on March 21, 2022.

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.

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, "threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents," and "violation of health and safety policies." See N.J.A.C. 10:90-6.3(c)(3), (5); see also DFD Instruction ("DFDI") No. 21-02-03.

Here, the ALJ found, and the record substantiates, that Petitioner violated shelter rules by cluttering up his room with garbage that he had accumulated from the streets, in an effort to obstruct any attempts to place a roommate with him, and by barricading the door to his room with a dresser, in an effort to keep out the shelter staff. See Initial Decision at 2-3; see also Exhibits R-2, R-4, and N.J.A.C. 10:90-6.3(c)(3), (5). Although Petitioner did not admit to any such violations, he did admit that he did not want to share a room because he has had problems with "untrustworthy" roommates in the past which purportedly justified the actions he took in the present case. See Initial Decision at 3. Nevertheless, the ALJ found that Petitioner had confirmed his uncooperative attitude and inability to follow shelter rules. *Ibid.* Based on the foregoing, the ALJ concluded that Petitioner's disruptive behavior resulted in his termination



from the shelter placement, thereby causing his own homelessness. Id. at 4. Accordingly, 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 4-5; see also Exhibit R-3, and N.J.A.C. 10:90-6.3(c). I agree.

By way of comment, because Petitioner has received continued assistance pending the outcome of this fair hearing, his six-month EA penalty will begin to run as of the date of the issuance of this Final Agency Decision.

By way of further 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. See Initial Decision at 4.

Also by way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I 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 AFFIRMED.

Officially approved final version.

April 18, 2022

Natasha Johnson
Assistant Commissioner

