



## State of New Jersey

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*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 **05178-22 J.C.**

AGENCY DKT. NO. **C093752015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he had violated hotel/motel rules, and that he had refused an alternate housing placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 19, 2022, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for two weeks to allow Petitioner the opportunity to submit documentation to substantiate his claims regarding certain motel placement interactions. No such documentation was submitted, and the record then closed. On August 5, 2022, 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 MODIFY 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, "threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents." See N.J.A.C. 10:90-6.3(c)(3); see also DFD Instruction ("DFDI") No. 21-02-03. Also, 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. However, 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 that Petitioner had been advised of the various motels' rules and had agreed to comply with said rules, including, but not limited to, the rule advising that no unauthorized person(s) were allowed in his room, and the rule against engaging in disruptive behavior. See Initial Decision at 2-3, 5-6; see also Exhibits R-3, R-6. Nevertheless, the ALJ found, and the record substantiates, that Petitioner



had violated the rules of his first and third motel placements by allowing unauthorized visitors to stay in his motel rooms, resulting in police involvement, and that Petitioner had engaged in disruptive behavior at his second motel placement, resulting in his termination from all three shelter placements. See Initial Decision at 2-3, 6; see also Exhibits R-4, R-5, R-7 through R-11. Although Petitioner claimed that he had not violated motel rules, admitting to only violating the rules at the Aquarius Arms placement, the ALJ found Petitioner's testimony to be contradictory, and that he had provided no proof to substantiate his claims. See Initial Decision at 4-6. Of note, the record was held open for two business weeks to allow Petitioner the opportunity to provide such evidentiary proofs, but none were forthcoming. Id. at 2. Moreover, the record indicates that Petitioner was offered alternate placement after his termination from the third motel placement, but refused such placement. Id. at 3, 6. Based on the testimony and documentary evidence provided, the ALJ concluded that Petitioner had violated the motel rules of his three motel placements, and as such, further concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(c) (3), -6.3(e)(iii).

I agree with the ALJ's ultimate conclusion, and therefore, in accordance with the relevant regulatory authority, I hereby impose upon Petitioner a six month period of ineligibility for EA benefits. See Initial Decision at 6-7; see also N.J.A.C. 10:90-6.3(c), -6.3(e)(1). Additionally, 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 this Final Agency Decision. The Initial Decision and the Agency's determination are both modified to reflect this finding.

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 MODIFIED, and the Agency's action is MODIFIED, as outlined above.

Officially approved final version.

September 15, 2022

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Natasha Johnson  
Assistant Commissioner

