



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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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 **07223-22 J.T.**

AGENCY DKT. NO. **C092370018 (SOMERSET 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 Petitioner had violated hotel/motel rules, resulting in his termination from multiple hotel/motel placements, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 24, 2022, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 25, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had violated hotel/motel rules by engaging in continued disruptive and destructive behaviors at multiple hotel/motel placements, as well as the continued violation of the hotel/motel health and safety policies. See Initial Decision at 2-6; see also N.J.A.C. 10:90-6.3(c)(2), (3), (5). Regardless of those previous hotel/motel violations, the Agency placed Petitioner at the E-Hotel. See Initial Decision at 5-6. However, Petitioner violated the health and safety rules of that hotel placement by smoking in his room, and also engaged in the destructive behavior of trashing his hotel room. *Id.* at 3-4, 6; see also Exhibit R-1 at 8-14, and N.J.A.C. 10:90-6.3(c)(2),(5). As a result, Petitioner was terminated from that hotel placement, and the Agency terminated Petitioner's EA benefits and imposed a six-month EA ineligibility penalty. See Initial Decision at 6; see also Exhibit R-1 at 3-7. The ALJ found that the Agency's highly credible testimony and documentary evidence substantiated said hotel/motel rule violations by Petitioner. See Initial Decision at 7-8; see also Exhibit R-1 at 8-14. Although Petitioner disputed violating the health and safety policies of his previous hotel/motel placements, or engaging in the destructive behavior of trashing his room at the previous E-Hotel, the ALJ found that Petitioner's testimony was not credible. See Initial Decision at 3-4, 7. Based on the foregoing, the ALJ concluded that Petitioner had violated the rules at the various hotel/motel placements, including the E-Hotel, and as such, further 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. See Initial Decision at 7-9; see also Exhibit R-1 at 3-7, and N.J.A.C. 10:90-6.3(c)(2), (3), (5). I agree.



No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, 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, Petitioner is advised that his six-month penalty shall run from July 19, 2022, the effective date of the Agency's EA termination, through January 18, 2023. See Exhibit R-1 at 4.

By way of further comment, the Agency is advised that in instances such as this where violations of hotel/motel rules are at issue, it is the type of hotel/motel rule violation which is controlling, found at N.J.A.C. 10:90-6.3(c), and N.J.A.C. 10:90-6.3(e), and not the causing of one's own homelessness set out in N.J.A.C. 10:90-6.1(c)(3), as determined by the Agency. See Initial Decision at 1; see also Exhibit R-1 at 4.

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 action is AFFIRMED.

Officially approved final version.

August 31, 2022

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Natasha Johnson

Assistant Commissioner

