



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 **02944-22 M.R.**

AGENCY DKT. NO. **S583007012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that his emergent situation was not due to circumstances beyond his control, and that his homelessness was a result of him being terminated from his motel placement due to a violation of motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 20, 2022, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On April 21, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that the record does not substantiate the Agency's claim that Petitioner was terminated from his motel placement, herein referred to as "Roof," in early March, 2021, for allegedly violating motel rules by allowing an unauthorized guest in his room after curfew, and therefore, such violation cannot form the basis for the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty. See Initial Decision at 2-4, 6; see also Exhibits R-4, R-5, R-6, and R-8, and N.J.A.C. 10:90-6.1(c)(3). Moreover, based on the record presented, the alleged, unsubstantiated motel violation occurred over a year ago, and I therefore find that it is too remote in time to be the basis of the Agency's EA denial. Additionally, I find that said violation is a minor violation, and as such, if this had been an Agency placement, in accordance with N.J.A.C. 10:90-6.3(e)(iii), Petitioner would have remained eligible for EA benefits. Of note, Petitioner had been placed at said motel by another agency/organization, herein referred to as "Home." See Initial Decision at 2; see also Exhibit R-6. The ALJ also found that, due to the said unverified motel rule violation, Roof refused to accept any further rental payments from Home for March 2021, although Home had been continuously paying said rent since November 2020, and remained willing to continue making such rental payments. See Initial Decision at 2-4, 6; see also Exhibit R-6. The ALJ found Roof's eviction action to be disingenuous as Home had been willing to pay Petitioner's rent. See Initial Decision at 6; see also Exhibit R-6. Accordingly, the ALJ found that Petitioner's homelessness was due to circumstances beyond his control, and as such, the Agency's denial of EA benefits to Petitioner, on the basis that said circumstances were not beyond his control, was improper. See Initial Decision at 5-6; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c). Based on the



foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, should be reversed. See Initial Decision at 6-7. I agree. Further, I note that the record indicates that Petitioner has received a rental assistance voucher, that he is pursuing permanent housing, and that no housing opportunities are available until July 1, 2022, and as such, I find that Petitioner's situation is very much in alignment with the spirit of the EA benefits program. See N.J.A.C. 10:90-6.1(a).

Exceptions to the Initial Decision were filed by the Agency on April 21, 2022. On April 26, 2022, Legal Services, on behalf of Petitioner, filed a Response to the Agency's Exceptions.

As Assistant Commissioner, Division of Family Development (:DFD"), 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, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, I note for the benefit of Petitioner's counsel that replies/responses to Exceptions or Cross-Exceptions are not permitted in DFD hearings. See N.J.A.C. 1:10-18.2. Additionally, Petitioner's counsel is reminded that documentation not presented at the hearing before the ALJ and admitted into evidence at the hearing, shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

April 28, 2022

Natasha Johnson
Assistant Commissioner

