



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 10252-21 S.C.

AGENCY DKT. NO. C243218020 (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 violated motel rules, resulting in his termination from said motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 21, 2021, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 22, 2021, 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 December 24, 2021.

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.

Here, the ALJ found that Petitioner had violated motel rules by engaging in continued disruptive and destructive behaviors. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.3(c)(2), (3). Specifically, the ALJ found that the motel owner/manager's testimony and first-hand observations substantiated said motel rule violations by Petitioner. See Initial Decision at 3-5. Although Petitioner disputed the motel owner/manager's contentions, the ALJ found Petitioner's testimony inconsistent with the facts and physical evidence found at the motel, and therefore, not credible. See Initial Decision at 3-5. Based on the foregoing, the ALJ concluded that Petitioner had violated motel rules, which resulted in his termination from his motel placement, and on that basis, affirmed the Agency's termination of



Petitioner's EA benefits. See Initial Decision at 5-6; see also "Notification Form" dated November 16, 2021, and N.J.A.C. 10:90-6.3(c)(2), (3). I agree. However, the ALJ overlooked addressing the Agency's imposition of a six-month EA ineligibility penalty in this matter. Therefore, based on the foregoing, and in accordance with regulatory authority, I find that the Agency's imposition of a six-month EA ineligibility penalty in this matter was proper and must stand. See Initial Decision at 5-6; see also "Notification Form" dated November 16, 2021, and N.J.A.C. 10:90-6.3(c). The Initial Decision is 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.

By way of further 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 MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

January 13, 2022

Natasha Johnson
Assistant Commissioner

