



## 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 **01987-22 S.J.**

AGENCY DKT. NO. **C067249012 (MIDDLESEX COUNTY BD. 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 she had violated motel rules by allowing unauthorized guests to stay in her motel room. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 18, 2022, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 21, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on March 22, 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 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, "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. However, 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. 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 record indicates that Petitioner had executed numerous EA service plans ("SP"), wherein she agreed to comply with shelter/motel rules, and that she had received the rules of her most recent motel placement, advising, among other things, that no unauthorized person(s) were allowed in her room. See Initial Decision at 2, 6; see also Exhibits R-3, R-7, R-10, R-13, R-23. Nevertheless, the ALJ found, and the record substantiates, that Petitioner had violated the rules of her prior motel placement,



as well as her most recent motel placement, by allowing unauthorized visitors to stay in her motel rooms at both locations. See Initial Decision at 3-4, 7-8; see also Exhibits R-1, R-16, R-17, R-19, R-20. Moreover, the record reflects that Petitioner was advised in a prior Final Agency Decision, issued April 13, 2021, in relation to her prior motel placement violation, that “any future hotel/motel/shelter rule violation may result in the termination of her EA benefits for a period of six months.” See Initial Decision at 7; see also Exhibit R-1. Based on the testimony and documentary evidence provided, the ALJ in this matter concluded that Petitioner had violated the terms of her SP by violating motel rules, without good cause, when she had allowed unauthorized visitors to stay in her motel room, and on that basis, affirmed the Agency’s termination of Petitioner’s EA benefits and imposition of a six-month EA ineligibility penalty. See Initial Decision at 8-9; see also Exhibit R-24, and N.J.A.C. 10:90-6.6(a).

While I agree with the ALJ’s ultimate conclusion, in instances such as this, where violations of motel rules are at issue, it is the type of violation which is controlling. See Initial Decision at 3-4, 7-8; see also N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e). In this instance, the record indicates that Petitioner allowed unauthorized visitors to stay in both her prior and most recent motel placements, resulting in her termination from both motel placements, and on that basis, I find that Petitioner is ineligible for EA benefits for a period of six months in accordance with N.J.A.C. 10:90-6.3(e)(1). See Initial Decision at 3-4, 7-8; see also Exhibits R-1, R-16, R-17, R-19, R-20. Accordingly, I find 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 Exhibit R-24; see also DFDI No. 21-02-03. The Initial Decision is modified to reflect this finding with respect to the applicable legal basis in this matter.

By way of comment, Petitioner is advised that her six-month EA ineligibility penalty shall run from March 7, 2022, the effective date of the termination of her EA benefits, through September 6, 2022. See Exhibit R-24.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Also by way of comment, I have reviewed Petitioner’s Exceptions, 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. March 29, 2022

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Natasha Johnson  
Assistant Commissioner

