



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 **01985-22 T.O.**

AGENCY DKT. NO. **C420777004 (CAMDEN 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 she had caused her own homelessness when she was terminated from her motel placement due to motel rule violations. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was initially begun on March 17, 2022, but was discontinued to allow the Agency the opportunity to consider whether other housing options might be available to Petitioner, as Petitioner had represented. The hearing was then scheduled to continue on March 23, 2022. On that date, it was determined that Petitioner had not applied for the housing that she had alleged was available to her, and as such, the Agency found no basis to rescind its termination, and the telephonic hearing was then concluded.

On March 24, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found, the record substantiates, and Petitioner admitted, that she had been terminated from her motel placement due to her violation of motel rules. See Initial Decision at 5-6; see also Exhibit R-1 at 18-25. Specifically, the ALJ found that Petitioner had violated motel rules by allowing unauthorized visitors stay in her room, by having excessive clutter in her room, and by permitting the room to become "extremely dirty" with "food scattered all over the room." See Initial Decision at 3, 5-6; see also Exhibit R-1 at 18-25. The ALJ found, however, that such violations were minor, that this was Petitioner's first termination from a motel/shelter placement for such minor violations, and as such, and in accordance with regulatory authority, Petitioner remained eligible for EA benefits. See Initial Decision at 6-8; see also N.J.A.C. 10:90-6.3(e), (f). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 8; see also Exhibit R-1 at 26-29. I agree.

No Exceptions to the Initial Decision were received.

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 hereby advised and put on notice that if she again violates motel/shelter rules, her EA benefits may be terminated and a six-month EA ineligibility penalty imposed. See N.J.A.C.10:90-6.3(c), (e)(1), (f).

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



Officially approved final version.

March 30, 2022

Natasha Johnson
Assistant Commissioner

