



State of New Jersey

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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 **03173-25 J.A.**

AGENCY DKT. NO. **C488226004 (CAMDEN-CCBSS)**

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 shelter rules, resulting in her termination of said shelter. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 21, 2025, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 24, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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, the violation of health and safety policies, including, but not limited to, "[p]ossession or use of drugs or alcohol on the premises." See N.J.A.C. 10:90-6.3(c)(4); 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 reflects that Petitioner executed an EA service plan ("SP"), and a "House Rules and Resident's Rights" document with the subject shelter, wherein she agreed, among other things, to comply with shelter rules, including the shelter's drug/alcohol policy. See Initial Decision at 2-3; see also Exhibits R-1 at 1, 3, and R-2. Petitioner was also advised by the Agency that a violation of shelter rules, such as possession of drugs and/or drug paraphernalia, would result in a six-month EA ineligibility penalty. See Initial Decision at 2; see also Exhibit R-1 at 3. The ALJ found, and the testimony, and record provided substantiated, that Petitioner had violated shelter rules when she was caught with possession of drugs and drug paraphernalia on her person, resulting in her termination from the shelter. See Initial Decision at 2-3; see also Exhibit R-1 at 4, and N.J.A.C. 10:90-6.3(c)(4). Petitioner did not refute said violation allegations. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that Petitioner had violated the terms of her SP, thereby causing her own homelessness, pursuant to N.J.A.C. 10:90-6.1(c)(3) -6.6(a), and on those bases, affirmed the Agency's termination



of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty. See Initial Decision at 4-6; see also Exhibit R-1 at 6-9. Of note, the Agency terminated Petitioner's EA benefits on the basis that Petitioner had violated shelter rules. See Exhibit R-1 at 6-9. While I agree with the ALJ's ultimate conclusion in this matter, in instances such as this, where violations of motel/shelter rules are at issue, it is the type of motel/shelter rule violation which is controlling, not Petitioner's SP, nor the causing of one's own homelessness. See Initial Decision at 4-6; see also N.J.A.C. 10:90-6.1(c) (3), N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e), and N.J.A.C. 10:90-6.6(a). The Initial Decision is modified to reflect this finding with respect to the applicable legal basis in this matter.

By way of 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.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version. March 05, 2025

Natasha Johnson
Assistant Commissioner

