



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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Chris Christie  
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Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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 6485-15 S.P.

AGENCY DKT. NO. V564484 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of shelter placement, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits because he violated the shelter's rules on several occasions, was evicted, thereby causing his own homelessness, resulting in a six-month penalty. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 13, 2015, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 14, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's termination of EA benefits, and rejected the Agency's imposition of a six-month penalty.

Exceptions to the Initial Decision were filed by the Petitioner on May 18, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I MODIFY the ALJ's Initial Decision and AFFIRM the Agency's determination.

N.J.A.C. 10:90-6.3(c) provides, "EA shall not be provided to adult recipients who are terminated without good cause from an EA placement ... for a period of six months when the termination is the result of the recipient's actions, which may include, but are not limited to, the actions identified in (c)(1) through 6 below ... Destruction of property ... Threatening and/or disruptive behavior that affects the operations of the

shelter or the safety of other residents ... More than one violation of the same rule of the hotel/motel or shelter ... which has a substantial effect on the health and safety of the residents, staff or facility.”

Here, the ALJ found, and I concur, that the Agency properly terminated Petitioner’s EA benefits because he violated his shelter’s rules on several occasions, resulting in his eviction from the shelter. See Initial Decision at 2, 3; see also N.J.A.C. 10:90-6.3(c)(6). However, as it is Petitioner against whom the Agency imposed a six-month period of ineligibility for EA benefits, and not Petitioner’s son, as opined by the ALJ, I find that the ALJ’s reversal of the Agency’s imposition of the six-month penalty was misplaced. *Id.* at 3. Therefore, because Petitioner was evicted from his shelter placement, and caused his own homelessness, I find that the Agency properly imposed a six-month penalty, and the ALJ’s decision is modified to reflect this finding. See N.J.A.C. 10:90-6.3(c)(6).

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 MODIFIED and the Agency’s action is AFFIRMED.

**MAY 22 2019**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director