



State of New Jersey

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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 **03662-24 M.G.**

AGENCY DKT. NO. **C076004015 (OCEAN 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 he had violated motel policy, resulting in his termination from three shelter placements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 13, 2024, the Honorable Allison Friedman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 31, 2024, 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 ADOPT the ALJ's Initial Decision, and MODIFY 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." See N.J.A.C. 10:90-6.3(c), (3); see also DFD Instruction ("DFDI") No. 22-06-02. 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 three separate EA service plans ("SP") and "Client Agreements," wherein he agreed, among other things, to comply with motel rules/policies, and understood that the violation of such rules would result in the termination of his EA benefits for a period of six months. See Initial Decision at 2-3; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-6.6(a). At the time Petitioner entered into the SPs and Client Agreements, the conditions of the EA placement were explained, which included a provision with respect to a "violation of the facility's policies concerning visitation, e.g. outside/overnight guests." See Initial Decision at 2; see also Exhibit R-2. The ALJ found, and the witness testimony and record provided substantiated, that Petitioner was informed of the visitor policy and that he had violated motel rules at three separate motel placements by continually violating the visitor policy, resulting in the police being called at one motel, and resulting in his termination from each of the motel placements. See Initial Decision at 2-4; see also Exhibits R-4, R-5, and R-6, and N.J.A.C. 10:90-6.3(c)(3).



Based on the foregoing, the ALJ concluded that Petitioner had repeatedly violated the visitation policy at each of the three separate EA placements, even after repeated warnings and directions on proper compliance. See Initial Decision at 3-4. As such, the ALJ affirmed the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty. Ibid.; see also 10:90-6.3(e)(1)(iii). I agree, and note for the Agency's benefit that, 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. See also N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). The Agency's adverse action is thus modified to reflect this finding with respect to the applicable legal basis in this matter. See Exhibit R-1.

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.

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

Officially approved final version. July 11, 2024

Natasha Johnson
Assistant Commissioner

