



State of New Jersey

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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 03507-18 C.W.

AGENCY DKT. NO. C190651020 (UNION COUNTY DIVISION 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 failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 23, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 3, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that on January 29, 2018, Petitioner entered into a SP wherein he agreed, among other things, to comply with shelter rules. See Exhibit R-2 at 3. By notice dated March 1, 2018, the Agency terminated Petitioner's EA benefits, effective February 28, 2018, and imposed a six-month EA ineligibility penalty, contending that Petitioner failed to comply with his SP and that he had caused his own homelessness. See Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(ix), -6.6(a). In support of its contention that Petitioner failed to comply with his SP, the Agency testified that it had received notice from the general manager of the motel where Petitioner had been placed, that it did not want to extend Petitioner's stay. See Initial Decision at 2; see also Exhibit R-3. The Agency further testified that Petitioner's actions, as described by the property manager, specifically, the local police showing up at his room, and having other people staying with him, constituted a violation of the shelter's rules, and justified a termination of EA benefits and a six-month EA ineligibility penalty. *Ibid.*; see also Exhibit R-1. However, Petitioner testified that the police were at his motel room, in response to his call reporting that his motel room had been burglarized. See Initial Decision at 2; see also Exhibit P-1. In reversing the Agency's determination, the ALJ found, and the Agency agreed, that it would have been unreasonable for the motel to have a rule that did not allow Petitioner to bring the police to his room to report a burglary alleged to have been committed there. See Initial Decision at 3, see also Exhibit P-1. The ALJ also found that the allegation of Petitioner having other people staying with him was unsupported by testimony. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that there was no violation of Petitioner's SP, and that the Agency's termination of Petitioner's EA benefits, and imposition of a six month period of EA ineligibility, was improper and must be reversed. *Id.* at 4; see also Exhibit R-1, and N.J.A.C. 10 90-6 6(a). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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.



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

Officially approved final version.

Natasha Johnson

Director

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