



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Acting Commissioner

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TRENTON, NJ 08625-0716

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 08700-21 M.S.

AGENCY DKT. NO. C091550015 (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 she had been terminated from her motel placement for violating motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 7, 2021, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On December 8, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner had been terminated from her motel placement due to the possession/use of alcohol, in violation of motel rules. See Initial Decision at 2-3, 5-6; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.3(c)(4). Further, the ALJ found that Petitioner had signed a Client Agreement for Temporary Shelter, wherein she was put on notice of the fact that possession or use of illegal drugs and/or alcohol on the motel premises would result in a termination of her EA benefits. See Initial Decision at 2, 5; see also Exhibit R-7. Additionally, it appears from the record that Petitioner had been participating in the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") prior the termination of her EA benefits. See Initial Decision at 3; see also Exhibits R-1 at 2, R-6. Although Petitioner denied consuming alcohol on the motel premises, in light of the motel manager's observations and testimony, the ALJ found that Petitioner's denial was not credible. See Initial Decision at 3, 5. 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 proper and must stand. *Id.* at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(c)(4). I agree.

Exceptions to the Initial Decision were filed by Petitioner on December 13, 2021.

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, 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.

By way of further 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 hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

DEC 15 2021

Natasha Johnson
Assistant Commissioner

