



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **15960-24 C.S.**

AGENCY DKT. NO. **C097914018 (SOMERSET 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 due to violations of her EA Service Plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for an emergent hearing. On November 15, 2024, the Honorable Deirdre Hartman-Zohlman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On November 18, 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 MODIFY 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; or violation of the shelter's health and safety policies." See N.J.A.C. 10:90-6.3(c)(3), (5).

Here, the record reflects that Petitioner and her partner had been receiving EA benefits, and, on June 13, 2024, entered into an EA SP where they both agreed, among other things, to comply with all rules and regulations of their housing placement. See Initial Decision at 2; see also Exhibit R-2, see also N.J.A.C. 10:90-6.6(a). The EA SP also required Petitioner to participate in substance abuse and behavioral health assessments, as well as to receive any recommended treatment. Ibid. On September 9, 2024, the Agency was notified by the motel where Petitioner was housed that her room was "disgusting," she would not allow housekeeping to enter or service the room, she would not permit entry to the room by a state inspector, and she had thrown garbage into the room of another guest. See Initial Decision at 3; see Exhibit R-5. In addition, Petitioner did not comply with the substance abuse or behavioral assessments, nor receive recommended treatment. See Initial Decision at 3. On September 30, 2024, the Agency sent Petitioner and her partner a Notification Form advising that their EA benefits would be terminated effective October 31, 2024, for failure to comply with their EA SP. See Exhibit R-1.

Petitioner testified at the hearing that she was in state of undress when the state inspector came to her room and that is why she initially refused entry to the motel room. See Initial Decision at 3. Petitioner further denied throwing trash into another room and stated that, due to issues with her cellular phone, she was unable to schedule her substance abuse



and behavioral assessments. See Initial Decision at 3-4. Although Petitioner disputed the claims that she, or her partner, had engaged in disruptive and unsanitary behavior, the ALJ found that Petitioner's testimony was not credible. See Initial Decision at 4.

Based on the foregoing, the ALJ concluded that Petitioner, and her partner, engaged in disruptive and unsanitary behaviors at their EA placement in violation of their EA SP, and therefore, the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month period of EA ineligibility, were proper and must stand. See Initial Decision at 5; see also Exhibit R-2.

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, and not Petitioner's EA SP, nor the causing of one's own homelessness. See Initial Decision at 4-5; 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 and the Agency's determination are both modified to reflect this finding with respect to the applicable legal basis in this matter.

By way of comment, the Agency shall refer Petitioner and her partner to any and all agencies and organizations that may be able to assist with their current needs, including Social Services for the Homeless.

By way of further comment, Petitioner's six-month EA ineligibility penalty shall run from October 30, 2024, the effective date of the EA termination, through April 30, 2025. See Exhibit R-1.

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

Officially approved final version. November 26, 2024

Natasha Johnson
Assistant Commissioner

