



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 **03613-24 D.M.**

AGENCY DKT. NO. **C089296003 (BURLINGTON COUNTY BD. 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 his behavior caused his eviction from his shelter placement. On May 1, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 2, 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." See N.J.A.C. 10:90-6.3(c)(3); see also DFD Instruction ("DFDI") No. 21-02-03. 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 an EA service plan ("SP") wherein he agreed, among other things, to comply with shelter rules, 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, 4-5; see also Exhibit R-1 at 14-15, and N.J.A.C. 10:90-6.6(a). Petitioner acknowledged engaging in an altercation with another shelter resident, testified that he had engaged in abusive language, but had not started the altercation, nor had he engaged in any physical behaviors toward said shelter resident. See Initial Decision at 3. Nevertheless, based on Petitioner's admission that he had engaged in an altercation with another shelter resident, and his inability to substantiate his testimony, the ALJ found that Petitioner had violated shelter rules by engaging in disruptive and threatening behavior, resulting in his termination from his shelter placement, thereby causing his own homelessness, in violation of his SP. See Initial Decision at 3, 5, 7; see also N.J.A.C. 10:90-6.1(c)(3), -6.3(c)(3), 6-6(a). Based on the foregoing, the ALJ concluded that Petitioner had violated the terms of his SP, and had caused his own homelessness, and on those bases, affirmed the Agency's termination of Petitioner's EA



benefits, and the imposition of a six-month EA ineligibility penalty. See Initial Decision at 6-7; see also Exhibit R-16-17, and N.J.A.C. 10:90-6.1(c)(c), 6.6(a). While I agree with the Agency's ultimate determination and 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, not Petitioner's SP, nor the causing of one's own homelessness. See Initial Decision at 6-7; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). See also N.J.A.C. 10:90-6.1(c)(3), -6.6(a). The Initial Decision, as well as the Agency's determination are modified to reflect these findings with respect to the applicable legal basis in this matter.

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 MODIFIED, and the Agency's action is MODIFIED, as outlined above.

Officially approved final version. June 05, 2024

Natasha Johnson
Assistant Commissioner

