



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 12059-23 D.T.

AGENCY DKT. NO. **C195685011 (MERCER 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 violation of the shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for a hearing on January 21, 2024, and then on January 30, 2024, but the parties requested an adjournment. The matter was rescheduled for March 1, 2024, but the Office of Administrative Law ("OAL") then rescheduled due to a conflict. On March 5, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Thereafter, the record was held open for post-hearing document submission, after which the record closed on March 13, 2024. On April 1, 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 AFFIRM 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).

Here, the record reflects that Petitioner applied for EA benefits on June 19, 2023 and was placed in transitional housing on August 21, 2023. See Initial Decision at 2; see also Exhibits R-2, R-3, R-9. Further, Petitioner signed an EA service plan ("SP") where she agreed, among other things, to comply with all rules and regulations of the housing placement. See Initial Decision at 2; see also Exhibit R-9. The ALJ found, and the record substantiates, that Petitioner's EA benefits were terminated for violating shelter rules by allowing her guest to engage in threatening/disruptive actions. See Initial Decision at 3-5. Further, Petitioner was issued a six-month penalty based upon a termination without good cause. *Ibid.*; see also Exhibits R-4, R-5, R-6.

The record reflects that the director at the transitional housing placement provided testimony and introduced evidence which the ALJ found to be credible. See Initial Decision at 3; see also Exhibit R-5. Specifically, the housing director testified that she reviewed security videotape which showed Petitioner and her partner verbally harassing, and taking the phone and backpack of Petitioner's roommate, and throwing them into the parking lot, before leaving the property.



Ibid. The transitional housing director further testified that Petitioner violated the rules of the facility by allowing a visitor to threaten a resident of the facility and that Petitioner's continued presence "poses a threat to the safety of the other residents in the building." Ibid. In addition, an Agency representative appeared at the hearing and provided additional testimony and introduced evidence which the ALJ also found to be credible. See Initial Decision at 4, see also Exhibits R-5, R-6.

Petitioner testified at the hearing as to the underlying incident with her roommate, and maintained that the individual who attacked her roommate was a stranger and that she had not invited any person onto the property. See Initial Decision at 4, 5. Although Petitioner disputed the claims that she, or her partner, had engaged in disruptive and threatening behavior, the ALJ found that Petitioner's testimony was not credible. See Initial Decision at 4-5.

Based on the foregoing, the ALJ concluded that Petitioner had allowed her guest to engage in disruptive behaviors at her EA housing placement, 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 7; see also N.J.A.C. 10:90-6.3(c)(3). I agree.

By way of comment, as Petitioner has received continued benefits pending the fair hearing, Petitioner's six-month EA ineligibility penalty shall begin to run upon issuance of this Final Agency Decision.

By way of further 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.

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

Officially approved final version.      May 09, 2024

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Natasha Johnson  
Assistant Commissioner

