



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 11553-24 L.H.

AGENCY DKT. NO. C404567004 (CAMDEN-CCBSS)

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 had violated shelter rules, when he violated the shelter's "Behavior Contract." Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 28, 2024, the Honorable Gauri Shirali Shah, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 29, 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, the violation of health and safety policies, including, but not limited to, "smoking in undesignated places." See N.J.A.C. 10:90-6.3(c), (5); 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") on April 15, 2024, and a "Behavior Contract" with the subject shelter on July 5, 2024, wherein he agreed, among other things, to comply with shelter rules, including not to smoke in the facility. See Initial Decision at 2-3; see also Exhibits R-5, R-8, and N.J.A.C. 10:90-6.6(a). Petitioner was also noticed by the Agency that a violation of shelter rules, such as smoking, would result in a six-month EA ineligibility penalty. See Initial Decision at 2; see also Exhibit R-3. The ALJ found, the testimony, and record provided substantiated, that Petitioner had violated shelter rules when he was caught smoking inside the facility bathroom, and smoking in bed, resulting in his termination from the shelter. See Initial Decision at 2-3; see also Exhibits R-9, R-10, and N.J.A.C. 10:90-6.3(c)(5). Petitioner did not refute said violation allegations. Based on the foregoing, the ALJ concluded that Petitioner had violated the terms of his SP, thereby causing his own homelessness. pursuant to N.J.A.C. 10:90-6.1(c) (3) -6.6(a), 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 2, 4; see also Exhibits R-1, R-7. Of note, the Agency also terminated Petitioner's EA benefits on those same bases. See Exhibit R-7. 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, not Petitioner's SP, nor the causing of one's own homelessness. See Initial Decision at 2, 4; 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 modified to reflect this finding 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. September 19, 2024

Natasha Johnson
Assistant Commissioner

