



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **09779-24 M.T.**

AGENCY DKT. NO. **C151347015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's sanctioning of Petitioner's Work First New Jersey/General ("WFNJ/GA") benefits, and the termination of Petitioner's Emergency Assistance ("EA") benefits. The Agency sanctioned Petitioner's WFNJ/GA benefits, contending that he failed to comply with the WFNJ mandatory work requirement, and terminated Petitioner's EA benefits, contending that he violated motel rules, and refused alternate motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On September 9, 2024, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. At that hearing, Petitioner's cases, under OAL Docket Numbers HPW 09779-24 and HPW 11739-24, respectively, were consolidated. The record was held open until September 23, 2024, to allow the parties to provide supplemental information, including the filing of a post-hearing brief by Petitioner's counsel which was due by September 16, 2024. No supplemental information or brief were filed, and the record then closed. On October 15, 2024, the ALJ issued an Initial Decision, reversing the Agency's determinations.

Exceptions to the Initial Decision were filed by the Agency on October 18, 2024, and a Response to the Agency's Exceptions were filed by Legal Services, on behalf of Petitioner, on October 21, 2024.

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.

The Agency shall determine the most appropriate form of EA benefits, which may include shelter placement, that are "required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1).

Here, based on the testimony of the parties, as well as the testimony of the Agency's witness, and the record provided, I concur with the ALJ's conclusion that the Agency failed to prove, by a preponderance of the credible evidence, that Petitioner had violated motel rules. See Initial Decision at 2-11, 14-15; see also N.J.A.C. 10:90-6.3(c), (e). Accordingly, I also concur with the ALJ's reversal of the Agency's termination of Petitioner's EA benefits, and its imposition of a six-month EA ineligibility penalty. See Initial Decision at 14-15; see also Exhibit R-6.

However, I respectfully disagree with the ALJ's finding that, because Petitioner was only offered placement in another motel based upon the motel's representation of motel violations, and because it had been concluded that Petitioner had not violated motel rules, there was no basis for the Agency to move Petitioner to another motel, and as such, the ALJ reversed the Agency's termination of Petitioner's EA benefits, and imposition of a six-month EA ineligibility



penalty. See Initial Decision at 14-15; see also Exhibit R-6. Rather, I find that in order to retain good relations with its motel vendors for the benefit of future client placements, the Agency was correct in honoring the motel's termination of Petitioner's motel placement, its request to place Petitioner at another motel, and the Agency's consequent offering of placement at another motel, which Petitioner refused. See Initial Decision at 3-4; see also Exhibits R-4 through R-10. Based on the foregoing, I find that Petitioner caused his own current emergent situation, and as such, conclude that the Agency's termination of Petitioner's EA benefits on that basis, was proper and must stand. See Exhibit R-6, and N.J.A.C. 10:90-6.1(c)(3). However, based on the specific facts of this case, I find that the Agency's imposition of a six-month EA ineligibility penalty is not warranted, and Petitioner is advised that he may reapply for EA benefits. See N.J.A.C. 10:90-6.3(i)(1). Petitioner is further advised that it is the Agency who shall determine the most appropriate form of EA required to meet his housing needs, including shelter placement, and out of county placement. N.J.A.C. 10:90-6.3(a)(1). The Initial Decision and the Agency's determination are both modified to reflect these findings.

By way of comment, the transmittal in this matter indicates that Petitioner also appealed a sanctioning of his WFNJ/GA benefits. However, at the time of the hearing, the issue was resolved between the parties. See Initial Decision at 2 n.1. Therefore, Petitioner's WFNJ/GA benefits issue is now moot, and not addressed in this Final Agency Decision. Ibid.

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. The Agency is also reminded that evidence not presented at the hearing shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

Also, by way of comment, I note for the benefit of Petitioner's counsel that replies/responses to Exceptions or Cross-Exceptions are not permitted in DFD hearings. See N.J.A.C. 1:10-18.2.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version. December 12, 2024

Natasha Johnson
Assistant Commissioner

