



State of New Jersey

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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 13103-24 P.T.

AGENCY DKT. NO. C204490013 (MONMOUTH COUNTY DIV. 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 she had violated motel rules, resulting in termination from her motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 23, 2024, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 24, 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 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, "[d]estruction of shelter property or the property of others" See N.J.A.C. 10:90-6.3(c)(2); 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 ALJ found, and the record substantiates, that Petitioner had violated motel rules by engaging in the destruction of motel property, resulting in the termination from her motel placement. See Initial Decision at 4-6; see also Exhibit R-1 at 26, 27, 34, and N.J.A.C. 10:90-6.3(c)(3). The ALJ also found that Petitioner was aware of the rules for shelter placement, and that she had failed to provide any explanation for the destructions of property and/or her failure to comply with motel/shelter rules. See Initial Decision at 5-7; see also Exhibit R-1 at 8. Of note, the Agency was aware of Petitioner's mental health issues, assisted her with those issues, and according to the record, Petitioner is participating in mental health treatment through another agency. See Initial Decision at 4-5; see also Exhibit R-1 at 35-39. Based on the foregoing, the ALJ concluded that Petitioner had caused her own homelessness, and on that basis, 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 N.J.A.C. 10:90-6.1(c)(3). 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 the



regulatory authority set forth at N.J.A.C. 10:90-6.1(c)(3), the causing of one's own homelessness, and/or not the violation of an EA service plan set forth at N.J.A.C. 10:90-6.6(a). See Initial Decision at 7; see also N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). Moreover, the Agency's notice to Petitioner of its termination of Petitioner's EA benefits was based on her motel rule violation, only. See Exhibit R-1 at 28-31; see also N.J.A.C. 10:90-9.1(a), (b). The Initial Decision is 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 her current needs, including Social Services for the Homeless.

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

Officially approved final version. October 03, 2024

Natasha Johnson
Assistant Commissioner

