



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

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 10358-24 R.D.

AGENCY DKT. NO. C293096004 (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 failed to comply with his EA service plan ("SP"), without good cause, as well as that he violated shelter rules, resulting in termination from his shelter placement, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 2, 2024, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record closed. On August 5, 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.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed SP. Ibid. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

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 applied for EA benefits on February 15, 2024, and executed an EA SP on February 29, 2024. See Initial Decision at 2; see also Exhibits R-1, R-6. When Petitioner executed his SP, he agreed to, among other things, conduct weekly housing and employment searches, and to provide the Agency with search logs as proof of same. Ibid. Petitioner was advised that failure to comply with his SP could affect his EA benefits eligibility. Ibid. Petitioner began providing his housing and employment searches each week beginning March 4, 2024 through April 2024. Ibid. Thereafter, Petitioner did not submit his housing search log until May 20, 2024 and was informed, by the Agency, that he was not complying with his SP due to the inconsistent submission of his housing search logs. See Initial Decision at 3; see also Exhibit R-1. On May 23, 2024, Petitioner submitted his employment searches and was informed by the Agency that he was required to submit both employment and housing searches each week. Ibid. On June 7, 2024, when Petitioner failed to submit his employment or housing searches, the Agency issued a 30-day termination notice informing Petitioner his EA benefits would terminate as of July 7, 2024, due to violations of his SP. See Initial Decision at 3.

Further, the ALJ found, and the record substantiates, that Petitioner was housed in a shelter beginning on February 15, 2024, where he resided through June 25, 2024. See Initial Decision at 2. On June 25, 2024, an incident occurred at the shelter based upon allegations, from other shelter residents, that the Petitioner stole property and made them feel uncomfortable, which resulted in the police being called. See Initial Decision at 2-3; see also Exhibit R-4. On June 26, 2024, Petitioner's stay at the shelter was terminated by the shelter. Ibid.

The record indicates that the original termination notice of June 7, 2024, was rescinded and the Agency provided Petitioner with another opportunity to benefit from EA shelter placement. See Initial Decision at 4. Petitioner was placed at a different shelter on July 3, 2024, where he stayed until he was terminated from his stay on July 28, 2024, due to his missing curfew on that date and then returning to the shelter on July 30, 2024, asking to be housed. See Initial Decision at 3-4, see also Exhibit R-1. On July 3, 2024, the Agency issued a second notice of termination based upon the violation of the shelter rules and eviction from the shelter, in addition to Petitioner's SP violations for failure to submit employment and housing searches in a timely and consistent manner. See Initial Decision at 3; see also Exhibit R-3. As a result, the Agency sought to impose a six-month EA ineligibility penalty on Petitioner. Ibid.

The ALJ found, and the record reflects, that Petitioner failed to comply with the requirements contained in his SP, with no good cause credibly shown, by failing, on several occasions, to provide proof of housing and employment searches. See Initial Decision at 2-4; see also N.J.A.C. 10:90-6.6(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 6. The ALJ further found that Petitioner's violation of shelter rules was also in violation of Petitioner's EA SP. Ibid.

While I agree with the ALJ's ultimate conclusion in this matter, in instances such as this, where violations of shelter rules are at issue, it is the type of 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. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). In the present case, Petitioner incurred two separate terminations from shelter placements, one of which for a less severe curfew violation, and as such, a six-month period of EA ineligibility is warranted. See N.J.A.C. 10:90-6.3(e)(1). The Initial Decision and the Agency determination are both modified to reflect these findings with respect to the applicable legal basis in this matter with respect to the shelter rule violations.

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 also MODIFIED, as outlined above.

Officially approved final version. August 14, 2024

---

Natasha Johnson  
Assistant Commissioner

