



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 11206-24 R.P.

AGENCY DKT. NO. **S630904012 (MIDDLESEX COUNTY BD. 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 he violated shelter rules, as well as the terms of his Emergency Assistance Service Plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was initially scheduled for September 6, 2024, but was adjourned. On September 19, 2024, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On November 4, 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, "[t]hreatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents; or violation of the shelter's health and safety policies." See N.J.A.C. 10:90-6.3(c)(3), (5).

Here, the record reflects that Petitioner has been receiving Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and applied for EA benefits on April 1, 2024, and was placed at a motel on an "immediate need" basis. See Initial Decision at 2; see also Exhibit R-1. On April 11, 2024, Petitioner executed an EA SP Addendum, wherein he agreed, among other things, to comply with all rules and regulations of his housing placement, specifically that he would not have any animals in his motel room, as well as that he would not display any threatening or disruptive behaviors that could affect the safety of other motel guests. See Initial Decision at 2; see also Exhibits R-2, R-4. On July 30, 2024, the Agency was informed by the motel that Petitioner had a dog in his motel room that was causing a disturbance. See Initial Decision at 2-3. On that same day, as well as on August 5, 2024, an Agency representative spoke with Petitioner and informed him that he needed to remove the dog from the room or he would lose his motel placement. Ibid. While Petitioner initially agreed to remove the dog, the Agency's investigator confirmed on July 31, 2024, that the dog remained in the motel room, had been seen running off-leash on the motel property, and was displaying aggressive behaviors, such as barking and growling, towards other motel guests. Ibid.; see also Exhibits R-6, R-13, R-14. On August 7, 2024, the Agency sent Petitioner a termination notice, advising that his EA benefits would be terminated for failure to comply with his EA SP, as well as for violation of shelter rules. See Initial Decision at 4-5, see also Exhibit R-9. As of September 17, 2024, the dog



remained with Petitioner in the motel room and continued to be seen running off-leash on the motel property. See Initial Decision at 4; see also Exhibit R-16. While Petitioner claimed that he in the process of having the dog approved as a service dog, Petitioner offered no proof to substantiate this assertion. See Initial Decision at 4-5.

Based on the foregoing, the ALJ concluded that Petitioner keeping an unauthorized animal in his motel room, and allowing the dog to be engaged in disruptive behaviors at his EA placement were in violation of his EA SP, 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 5; see also Exhibit R-9.

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 5-6; 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 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 his current needs, including Social Services for the Homeless.

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

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

Officially approved final version. December 20, 2024

Natasha Johnson
Assistant Commissioner

