



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 13051-24 R.S.

AGENCY DKT. NO. C086598018 (SOMERSET COUNTY BOARD 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 motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 15, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 31, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on November 13, 2024.

As Assistant Commissioner, Division of Family Development, 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," and/or "violations of health and safety policies, including but not limited to, smoking in undesignated areas...." See N.J.A.C. 10:90-6.3(c)(3), (5).

Here, the ALJ found that the testimony of the general manager of the Motel 6 and the record, substantiate that Petitioner had been terminated from his most recent placement, at Motel 6, for among other things, violating motel rules by engaging in threatening/disruptive actions and behaviors, for smoking in undesignated areas, for removing furniture from his room, and for being delinquent on payment of his portion of the rent, which resulted in his termination from said motel. See Initial Decision at 2-3; see also R-1 at Ex. #12. Additionally, the record reflects that Petitioner had been terminated from other motel placements for the same or similar behaviors, resulting in police involvement. See Initial Decision at 2-3; see also R-1 at Exhibits #1 through #4. Moreover, Petitioner admitted to smoking in his room, to making threatening remarks to the staff, and to altercations with motel guests while at Motel 6. See Initial Decision at 3. No good cause for such behaviors was found by the ALJ. Additionally, the record reflects that Petitioner was aware of motel placement rules, and that any violation of such rules would result in the termination of his EA benefits. See R-1 at Ex. 7. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4; see also R-1 at Ex. 13, and N.J.A.C. 10:90-6.3(c)(3), (5). I agree. However, as the ALJ has concluded that Petitioner had violated motel rules as discussed above, I find that the Agency's imposition of



a six-month EA ineligibility penalty was also proper and must stand. Ibid. The Initial Decision is modified to reflect this finding.

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

By way of further 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.

Also, by way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. December 05, 2024

Natasha Johnson
Assistant Commissioner

