



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 **00920-24 Z.P.**

AGENCY DKT. NO. **C089278008 (GLOUCESTER 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 he violated shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An telephonic hearing was initially scheduled for March 15, 2024, but was rescheduled at the request of Petitioner. On March 28, 2024, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On April 10, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner had been placed by the Agency at the Aletha R. Wright Center (AWC) shelter on three separate occasions, and had been terminated from all three shelter placements for violating the shelters' nightly curfew rules on several occasions. See Initial Decision at 2-6; see also Exhibit R-1 at 21, 22, 23, 25-32, 39, 41, 42, and N.J.A.C. 10:90-6.3(e)(1)(i). The record also reflects that Petitioner's May 25, 2023, curfew violation was excused by the Agency due to Petitioner's hospitalization, and his June 10, 2023, curfew violation was excused by the ALJ due to the failure of the AWC to submit substantiating evidence of such violation. See Initial Decision at 8, 10-11; see also Exhibit R-1 at 24. However, the ALJ found that Petitioner had failed to provide any credible good cause reason for two other curfew violations, which resulted in his terminations from the AWC shelter on October 2, 2023, and December 1, 2023. See Initial Decision at 7-8, 11-12. 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 12; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:90-6.3(e)(i). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.



Officially approved final version. May 21, 2024

Natasha Johnson
Assistant Commissioner

