



State of New Jersey

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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 03950-18 S.C.

AGENCY DKT. NO. C159998015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she caused her own homelessness and refused appropriate housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing as an emergent case. On March 20, 2018, the Honorable Edward J. Delaney, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 22, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision in this matter, and AFFIRM the Agency's determination.

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, threatening 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) and -6.3(c)(5). 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, violations of a facility's policies. See N.J.A.C. 10:90-6.3(e); see also DFD Instruction 08-5-4 at 10. An adult EA recipient who incurs two or more terminations for such less severe reasons 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 was placed at a motel, on an immediate need basis, by the Agency on March 6, 2018. See Initial Decision at 2; see also N.J.A.C. 10:90-1.3(a)(1). The record further shows that Petitioner entered into an EA service plan ("SP") wherein she agreed, among other things, to abide by motel rules. See Exhibit R-8. The ALJ found that on March 12, 2018, the motel terminated Petitioner's stay due to several motel rule violations including overnight guests, unauthorized guests, and disruptive behavior. See Initial Decision at 4; see also Exhibits R-11, R-12, and R-13. Despite the basis for the prior termination, which would, in fact, support a termination of EA benefits, the Agency nevertheless placed Petitioner at a second motel and Petitioner entered into another SP agreeing to comply with the rules of the motel. See Initial Decision at 2; see also Exhibit R-14 and N.J.A.C. 10:90-6.3(c)(2), (3) (stating that EA benefits shall not be provided to recipients who are "terminated from an EA placement due to destruction of shelter property," and "threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents"). The ALJ found that on March 13, 2018, the second motel contacted the Agency, informing it that



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Petitioner's stay there had been terminated due to complaints of disruptive behavior which prompted three visits from the local police department. See Initial Decision at 2; see also Exhibits R-15, R-18. Petitioner was then referred to two different mother/child transitional housing programs, but refused both placements, and as such, the Agency denied Petitioner EA benefits. See Initial Decision at 2; see also Exhibits R-1, R-16, R-17. Based on the foregoing, the ALJ concluded that Petitioner, without good cause, had caused her own eviction from two temporary shelters, thereby causing her own homelessness, and that she is, therefore, ineligible for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(c)(2), and -6.3(c)(3). Accordingly, the ALJ affirmed the Agency's denial of Petitioner's application for EA benefits. See Initial Decision at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(vi), -6.1(c)(3)(ix). I agree.

Additionally, because I agree with the ALJ that Petitioner has caused her own homelessness, without good cause, I find that she is ineligible for EA benefits for a period of six months. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3). As such, I hereby impose upon her a six-month period of ineligibility for EA benefits, beginning March 13, 2018, the date of the Agency's denial, through September 12, 2018. See N.J.A.C. 10:90-6.1(c)(3).

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 ADOPTED, and the Agency's action is AFFIRMED.

Officially approved final version.

MAR 28 2018

Natasha Johnson
Director

