



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Director*

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 06857-18 V.R.

AGENCY DKT. NO. C086150006 (CUMBERLAND 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 EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner violated his EA service plan ("SP") when he was evicted from his shelter placement for failing to comply with shelter rules, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 30, 2018, but was rescheduled due to notice issues. On June 20, 2018, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 2, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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, 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 a 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 benefits 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).

EA benefits recipients are required to develop and sign an SP with the Agency. See N.J.A.C. 10:90-6.6(a). 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.

Here, the record reflects that on February 15, 2018, Petitioner was accepted into a shelter and signed a contract that set forth the shelter rules, including the prohibition of alcohol and drugs, and a curfew of 6:30 p.m. See Initial Decision at 3. Further, on March 7, 2018, Petitioner signed an SP, agreeing to abide by shelter rules, and informing him of the consequences of not doing so. See Initial Decision at 5; see also Exhibit R-1 at 13-18. On more than one occasion, Petitioner returned to the shelter intoxicated or under the influence, and was given incident reports warning him of the infractions. See Initial Decision at 3; see also Exhibit R-1 at 20, 21, 23, and 30. On May 1, 2018, Petitioner missed



curfew and failed to return to the shelter until the next morning, and was informed that he had, therefore, been discharged, although he claimed that he had called to inform the shelter that he had missed the bus and could not get a ride back. See Initial Decision at 3; see also Exhibit R-1 at 24, 25. Moreover, on the day of Petitioner's return, he was observed having inappropriate contact with a child, and appeared to be under the influence, and was discharged from the shelter on that basis also. See Initial Decision at 4; see also Exhibit R-1 at 25, 26. As a result of those various infractions, and Petitioner's consequent discharge from his shelter placement, the Agency terminated his EA benefits effective May 13, 2018, and imposed a six-month EA ineligibility penalty. See Initial Decision at 4; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:90-6.3(c)(3), -6.6(a). Accordingly, the ALJ found that Petitioner did not comply with the shelter rules, violated his SP, and caused his own homelessness. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.3(c)(3) -6.6(a). As such, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, was proper. See Initial Decision at 6; see also Exhibit R-1 at 2-3. I agree.

By way of comment, because Petitioner has been receiving continued assistance pending the outcome of this hearing, the six-month EA ineligibility penalty shall begin to run from the date of this Final Agency Decision. See N.J.A.C. 10:90-6.3(c), -6.6(a).

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 action is AFFIRMED.

Officially approved final version.

**AUG - 8 2018**

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Natasha Johnson

Director

