



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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

AMENDED DECISION

OAL DKT. NO. HPW 03557-19 B.B.

AGENCY DKT. NO. C051392012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

On June 5, 2019, a Final Agency Decision ("FAD") was issued in this matter. The Final Agency Decision incorrectly states the applicable time frame of Petitioner's six-month ineligibility period for Emergency Assistance benefits, in light of the fact that Petitioner received continued benefits pending the outcome of fair hearing. This Amended Decision is hereby issued to correct the issue on appeal.

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 she failed to comply with her EA service plan ("SP") when she was terminated from her motel placement for violation of motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 9, 2019, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 30, 2019, the ALJ issued an Initial Decision affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on May 16, 2019.

As the Director of the 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, "threatening and/or disruptive behavior that affects the operations of the shelter or the safety of the other residents" and/or "destruction of shelter property or the property of others." See N.J.A.C. 10:90-6.3(c)(2), (3).

EA 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 termination of EA benefits and a six-month period of EA ineligibility. Ibid.



Here, the ALJ found, and the record substantiates, that Petitioner was evicted from her motel placement due to the threatening and disruptive behavior of herself and her unauthorized guests, and the destruction of motel property, specifically a broken motel room window, which resulted in police involvement. See Initial Decision at 3-4; see also Exhibit R-1 at H, I, J, K. The ALJ also found that Petitioner had executed an SP, as well as an Addendum to the SP, wherein she agreed, among other things, to abide by motel rules, and to accept personal responsibility for the conduct of unauthorized visitors. See Initial Decision at 3-4; see also Exhibit R-1 at E. Moreover, Petitioner acknowledged having her daughter and her friends in the motel room, and that their disruptive behavior caused the destruction of the motel room window. See Initial Decision at 4. Accordingly, the ALJ found that Petitioner was responsible for the disruptive behavior and the destruction of motel property. Id. at 5. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with her SP by violating motel rules, and as such, 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. Id. at 5-6; see also Exhibit R-1 at L, and N.J.A.C. 10:90-6.3(c)(2), (3), -6.6(a). I agree.

Further, although not a transmitted issue, the ALJ found that, because Petitioner had exhausted her lifetime limit of EA benefits and did not qualify for an extension of such benefits, that Petitioner was also ineligible for EA benefits. See Initial Decision at 5; see also Exhibit R-1 at C, and N.J.A.C. 10:90-6.4(a), (b), (c). While I agree with the ALJ that Petitioner has exhausted her 12-month lifetime limit of EA benefits, plus all available extreme hardship extensions, it appears from the record that Petitioner has a 12-month MED-1 form. See Exhibit R-1 at A. As such, but for her SP/motel rule violations, and resultant six-month EA ineligibility penalty, Petitioner may have been eligible for an extension of EA benefits pursuant to the recently promulgated State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018. See Exhibit R-1 at A; see also N.J.A.C. 10:90-6.4(a), (b), (c). The Initial Decision is modified to reflect this finding.

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.

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

Also by way of comment, as Petitioner has received continued assistance pending the outcome of this fair hearing, Petitioner's six-month EA ineligibility penalty begin to run from the issuance of the Final Agency Decision in this matter. See Exhibit R-1 at L; see also N.J.A.C. 10:90-6.6(a).

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

Officially approved final version.

Natasha Johnson
Director

JUN - 5 2019

