



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 02531-20 A.E.

AGENCY DKT. NO. C404019004 (CAMDEN 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 she failed to comply with his EA service plan ("SP") by violating shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 2, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner and the Agency the opportunity to provide additional information. Said information was received on July 7, 2020, and the record then closed. On August 11, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 MODIFY the Agency's determination, as discussed 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 other residents." See N.J.A.C. 10:90-6.3(c)(3).

Here, Petitioner executed an SP which required her to comply with shelter rules. See Initial Decision at 3; see also Exhibit R-A at 12. The ALJ found that Petitioner had been terminated from her shelter placement for violating shelter rules by repeatedly engaging in disruptive actions and behaviors, despite the shelter's numerous warnings and accommodations made to stop such behavior. See Initial Decision at 3-4, 6-7; see also Exhibit R-A at 13. Based on the foregoing, the ALJ concluded that Petitioner had violated the terms of her SP, without good cause, and on that basis, affirmed the Agency's termination of Petitioner's EA benefits and imposition of a six-month EA ineligibility penalty. See Initial Decision at 7; see also Exhibits R-A at 2-5, and N.J.A.C. 10:90-6.6(a).



I agree with the Agency's determination and the ALJ's conclusion that Petitioner failed to comply with her SP. See Initial Decision at 7; see also Exhibit R-A at 2-5. However, in instances such as this, where a violation of motel/shelter rules are at issue, it is the type of violation which is controlling, not the SP. See N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). In this instance, the record indicates that Petitioner's disruptive behavior violated shelter rules, and on that basis, I find that Petitioner is ineligible for EA benefits for a period of six months in accordance with N.J.A.C. 10:90-6.3(c)(3). See Initial Decision at 3-4, 6-7; see also Exhibit R-A at 13. Accordingly, I find 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 Exhibit R-A at 2-5; see also DFDI No. 20-04-07. The Initial Decision and the Agency's determination are modified to reflect this finding with respect to the applicable legal basis in this case.

Further, based on the above findings and conclusion regarding Petitioner's shelter rule violation, I find it unnecessary to address the shelter costs issue, which was not a transmitted issue. See Initial Decision at 5-7. However, I note that, in accordance with N.J.A.C. 10:90-6.5(a), I concur with the ALJ's conclusion that Petitioner was responsible for paying her portion of the shelter cost payment for February 2020. Ibid.; see also Exhibit R-A at 11. Also, I concur with the ALJ's finding that Petitioner had knowledge of the fact that she was responsible for such shelter cost payment. Ibid.

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

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

AUG 25 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

