



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
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 09328-20 D.L.

AGENCY DKT NO C447050004 (CAMDEN COUNTY BOARD OF SOC SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he failed to comply with his EA service plan ("SP") by violating motel/shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2020, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 13, 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, "violation of health and safety policies" See N.J.A.C. 10:90-6.3(c)(5).

Here, Petitioner executed an SP which required him to comply with motel/shelter rules, and was telephonically advised by the Agency of the motel placement's rules. See Initial Decision at 2-4; see also Exhibit R-1 at 3-5. The ALJ found that Petitioner had been terminated from his motel placement for violating the motel COVID-19 health and safety policy by repeatedly allowing unauthorized persons to stay in his motel room, despite the motel's numerous warnings. See Initial Decision at 3-5; see also Exhibit R-1 at 2, 9. Based on the foregoing, the ALJ concluded that Petitioner had violated the terms of his SP, without good cause, and on that basis affirmed the Agency's termination of Petitioner's EA benefits. See Initial Decision at 4-5, see also Exhibit R-1 at 10-16, and N.J.A.C. 10:90-6.6(a). Further, the ALJ also found that, because Petitioner's SP did not specifically address the number of people authorized to be in his motel room, and because he had not been provided with a copy of the motel rules



(although said rules were explained to him by the Agency over the phone), the Agency's determination not to impose a six-month ineligibility penalty for receipt of EA benefits was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1 at 10-13, and N.J.A.C. 10:90-6.6(a).

I agree with the ALJ's conclusion, and the Agency's determination, that Petitioner failed to comply with his SP. See Initial Decision at 4-5; see also Exhibit R-1 at 10-13. 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 10:90-6.3(e). In this instance, the record indicates that Petitioner violated the motel health and safety policy by repeatedly allowing unauthorized persons to stay in his motel room. See Initial Decision at 3-4, 6-7; see also Exhibit R-1 at 2, 9. Accordingly, on that basis, I find that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Exhibit R-1 at 10-16. The Initial Decision and the Agency's determination are modified to reflect this finding with respect to the applicable legal basis in this case.

By way of comment, Petitioner is advised that he may reapply for EA benefits, if he has not already done so.

By way of further comment, Petitioner is advised that any future violation of his SP, or motel/shelter rules, may result in the termination of EA benefits, and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.3(c), (e), and -6.6(a).

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

OCT 20 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

