



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 **06166-20 M.T.**

AGENCY DKT. NO. **C087567018 (SOMERSET 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 caused her own homelessness by violating shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 10, 2020, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 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 AFFIRM 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, "destruction of shelter property or the property of others," "threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents," or "violation of health and safety policies." See N.J.A.C. 10:90-6.3(c)(2), (3), (5); see also DFD Instruction ("DFDI") No. 20-04-07.

Here, Petitioner was required to comply with motel/shelter rules. See Initial Decision at 2; see also Exhibit R-2. The ALJ found that Petitioner had caused her own homelessness when she violated the rules of three motel placements by engaging in an altercation with another motel guest, by destroying motel property, and by violating health and safety policies, resulting in her termination from said motel placements. See Initial Decision at 2-4, 6. Petitioner admitted to such disruptive and destructive behaviors, and admitted to violating the motel's health and safety rules by having a hot plate and a frying pan with oil in her room. *Id.* at 4-5. Based on the foregoing, the ALJ concluded that Petitioner had caused her own homelessness, without good cause, and affirmed the Agency's termination of



Petitioner's EA benefits and imposition of a six-month EA ineligibility penalty. Id. at 6; see also Exhibit R-6, and N.J.A.C. 10:90-6.1(c)(3). I agree with the ALJ's conclusion that Petitioner's behavior directly caused her homelessness. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c)(3)(vi). 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. See N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e). In this instance, the record indicates that Petitioner's disruptive and destructive behaviors, together with the health and safety violation, resulted in her termination from three motel placements, and on those bases, 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)(2), (3), (5). See Initial Decision at 2-4, 6. 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-6; see also DFDI No. 20-04-07. The Initial Decision is modified to reflect this finding with respect to the applicable legal basis in this case.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from June 27, 2020, the effective date of the Agency's termination of said benefits, through December 27, 2020.

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

Officially approved final version.

JUL 28 2020

Natasha Johnson
Assistant Commissioner

