



State of New Jersey

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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 06506-20 R.E.

AGENCY DKT. NO. C017399021 (WARREN CO. DIV TEMP ASST & 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 he violated shelter rules, and failed to comply with his EA service plan ("SP") by failing to pay his portion of motel costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 18, 2020, but was rescheduled due to Petitioner's failure to call in for that hearing on that date. On August 21, 2020, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 31, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner was required to comply with motel/shelter rules. See Initial Decision at 4; see also Exhibits R-16, R-17. The ALJ found, and the record substantiates, that Petitioner had been terminated from his motel placement for violating shelter rules by repeatedly engaging in threatening/disruptive actions and behaviors, including possession of a weapon, which resulted in police involvement on several separate occasions, and for destruction of motel property. See Initial Decision at 5-8; see also Exhibits R-3 through R-13. The ALJ also found that Petitioner had failed to provide credible, good cause reasons for such shelter rule violations. See Initial Decision at 6-7. Based on the foregoing, the ALJ concluded that Petitioner had violated motel rules, 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 9-10; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(c)(1), (2), (3). I agree.

Further, 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 his portion of motel costs, and that his failure to do so was a violation of his SP. See Initial Decision at 4, 10; see also Exhibits R-6, R-17, and N.J.A.C. 10:90-6.6(a). Moreover, the record reflects that Petitioner acknowledged that he did not paid his portion of the motel costs. See Initial Decision at 4.

Exceptions to the Initial Decision were filed by Petitioner on September 14, 2020.



As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

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.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

SEP 29 2020

Natasha Johnson

Assistant Commissioner

