



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 00213-20 W.B.

AGENCY DKT. NO. S500030012 (MIDDLESEX COUNTY BD. 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 he destroyed motel property and violated his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 28, 2020, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 13, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, a Supplemental Security Income benefits recipient, filed an application for EA benefits on November 7, 2019, and was given a motel placement. See Initial Decision at 2; see also Exhibit R-1. On that same date, Petitioner executed an SP wherein he agreed to comply with motel rules, and was informed, among other things, that destruction of motel property violated those rules. See Initial Decision at 2; see also Exhibit R-2. Following an investigation, the Agency determined that Petitioner had violated motel rules when he struck his motel room television and dented the screen, as well as when he dialed "911" every day for a week. See Initial Decision at 3; see also Exhibits R-6, R-7, R-11. Consequently, the Agency terminated Petitioner's EA benefits, effective January 10, 2020, and imposed a six-month EA ineligibility penalty, finding that Petitioner failed to comply with his SP, when he destroyed motel property. See Initial Decision at 3; see also Exhibit R-8, and N.J.A.C. 10:90-6.6(a). Petitioner acknowledged at the hearing that he had struck the television, causing it to break, and that he had called "911" because he was confused about how to make outgoing calls from the room. See Initial Decision at 3 n.1, 4-5. Finding that Petitioner had admitted to hitting the television, the ALJ found that Petitioner had caused damage to motel property, which violated the rules of the motel, and consequently resulted in a violation of his SP. See Initial Decision at 5-6; see also Exhibits R-2, R-7, R-8, and N.J.A.C. 10:90-6.3(c)(2), -6.6(a). I note that, for purposes of regulatory clarification, in instances such as this, where a violation of shelter/motel rules is 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) and 10:90-6.6(a). Based on the foregoing, the ALJ concluded 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 Initial Decision at 6; see also Exhibit R-8, and N.J.A.C. 10:90-6.3(c)(2), -6.6(a). I agree.

No Exceptions to the Initial Decision were received.

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 this fair hearing, the 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, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version.

MAR 13 2020

Natasha Johnson

Assistant Commissioner

