



State of New Jersey

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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 **14238-25 G.D.**

AGENCY DKT. NO. **C098936013 (MONMOUTH COUNTY DIV. 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 had violated motel rules, and the terms of his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 20, 2025, the Honorable Mamta Patel, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 21, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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, based on the discussion 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, or a violation of the shelter's health and safety policies, including smoking in undesignated areas, and possession of drugs or alcohol on premises. See N.J.A.C. 10:90-6.3(c)(3), (4), (5). However, N.J.A.C. 10:90-6.3(e) provides that an EA recipient shall be eligible for continued EA for other violations, including, but not limited to, the violation of a facility's policies concerning visitation; for example, having outside guests, and visits to other rooms or floors. See N.J.A.C. 10:90-6.3(e)(1)(iii); see also DFD Instruction 08-5-4 at 10. An adult EA benefits recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e)(1).

Here, the record reflects that Petitioner applied for EA on April 17, 2025, and on that same date executed an EA service plan ("SP") wherein he agreed, among other things, to comply with shelter rules, and understood that the violation of such rules would result in the termination of his EA benefits for a period of six months. See Initial Decision at 2-3; see also Exhibits R-1, R-2 and N.J.A.C. 10:90-6.6(a). Also on April 17, 2025, Petitioner signed Emergency Assistance Placement Rules which specified that rule violations would lead to a termination of EA benefits and a six-month ineligibility period for such benefits. See Initial Decision at 3; see also Exhibit R-2a and N.J.A.C. 10:90-6.3(c). The Placement Rules specifically prohibited violation of health and safety policies, including not smoking in undesignated areas. Ibid. Petitioner was placed at a motel on May 6, 2025, at which time he signed the motel's guest rules, which included such terms as banning drug use, prohibiting smoking in motel rooms, and limiting the length of guest visits including that visitors were not permitted



after 9:00 p.m. See Initial Decision at 4; see also Exhibit R-8. Following Petitioner being placed at the motel, the motel manager testified that other motel guests smelled smoke from Petitioner's room and that she observed visitors violating the motel policy, an issue which she attempted to address with Petitioner. See Initial Decision at 4. During the hearing before the ALJ, Petitioner testified that, while he does not smoke cigarettes, he does use marijuana. Id. at 5, 6. On May 28, 2025, Petitioner signed another EA SP, as well as another Placement Rules, and an Agency representative spoke with him regarding compliance with the motel's rules. See Initial Decision at 5; see also Exhibits R-3, R-3a. Again, the SP required Petitioner to comply with the motel rules and further required Petitioner to comply with out patient treatment and drug court. Ibid.

On July 29, 2025, the Agency received an email from the motel manager indicating that Petitioner was smoking in his room and had an authorized guest, specifically an individual who had been previously housed at the motel and was themselves terminated from receipt of EA benefits for failing to comply with their SP. See Initial Decision at 4. On that same day, the Agency representative contacted Petitioner to inform him he would be receiving a termination of benefits notice including the imposition of a six-month EA ineligibility period. See Initial Decision at 5; see also Exhibit R-4, and N.J.A.C. 10:90-6.3(c), -6.6(a). On July 30, 2025, the motel manager again requested Petitioner be removed as he had an authorized guest in his room, which resulted in the motel contacting the police and having that individual removed for trespassing. Ibid.; see also R-6. The following day, the motel manager again requested Petitioner's removal from the motel due to an unauthorized guest. See Initial Decision at 5; see also Exhibit R-7.

Based on the foregoing, the ALJ concluded that Petitioner had violated the terms of his SP and Placement Rules, and had caused his own homelessness, and on those bases, affirmed the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty. See Initial Decision at 6-7; see also Exhibit R-4, and N.J.A.C. 10:90-6.3(c), -6.6(a). While I agree with the Agency's ultimate determination and the ALJ's ultimate conclusion in this matter, in instances such as this, where violations of motel/shelter rules are at issue, it is the type of motel/shelter rule violation which is controlling, not Petitioner's SP, nor the causing of one's own homelessness. See Initial Decision at 6-7; N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). Of note, a termination for violation of the visitation policy alone, which is deemed a less severe violation under the regulations, would have required a second termination for such reasons prior to the imposition of 6-month EA ineligibility penalty. See N.J.A.C. 10:90-6.3(e)(1), (iii). However, in the present matter, the violation of the visitation policy, coupled with the more serious violation of drugs on premises, and violation of the motel's health and safety policy, warrants the imposition of a six-month EA ineligibility penalty at this time. The Initial Decision, as well as the Agency's adverse action, are both modified to reflect these findings, as well as the applicable legal authority in this matter.

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

By way of additional 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 MODIFIED, and the Agency's action is MODIFIED, as outlined above.

Officially approved final version. August 28, 2025

Natasha Johnson
Assistant Commissioner

