



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **02253-25 J.H.**

AGENCY DKT. NO. **C483042004 (CAMDEN-CCBSS)**

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 February 7, 2025, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 10, 2025, 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, 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, "[t]hreatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents." See N.J.A.C. 10:90-6.3(c), (3); see also DFD Instruction ("DFDI") No. 21-02-03. However, N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for other, less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e); see also DFDI No. 08-05-04 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 the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, on the basis that Petitioner had been terminated from his shelter placement, for among other things, threatening to shoot an employee of the facility in the face. See Initial Decision at 2-4; see also Exhibit R-1 at 10-15, and N.J.A.C. 10:90-6.3(c)(3), and DFDI 21-02-03. At the hearing, Petitioner admitted to said threat, claiming that he was having a bad day. See Initial Decision at 4.

The record also reflects that Petitioner executed an SP wherein he agreed, among other things, to attend all scheduled appointments, to conduct, and provide proof of, employment and housing searches, and to comply with motel rules, including not to engage in any threatening or disruptive behaviors. See Initial Decision at 2-4; see also Exhibit R-1 at 2-7, and N.J.A.C. 10:90-6.6(a). Petitioner admitted that he failed to attend scheduled appointments, claiming that he is



disabled and needs help getting around, and that he had failed to provide proof of required housing and employment searches. See Initial Decision at 4; see also Exhibit R-1 at 8-9. Of note, Petitioner did not provide any evidence to substantiate his disability claim. Accordingly, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-1 at 12-15, and N.J.A.C. 10:90-6.3(c), -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 4-5; see also Exhibit R-1 at 12-15. While I agree with the ALJ's ultimate conclusion in this matter, in instances such as this, where one basis for the termination of Petitioner's EA benefits was violations of motel/shelter rules, it is the type of motel/shelter rule violation which is controlling, not Petitioner's SP or the causing of one's own homelessness, as cited by the ALJ in the Initial Decision. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). The Initial Decision is modified to reflect this finding with respect to the applicable legal basis for that issue.

Additionally, Petitioner is advised that his six-month EA ineligibility penalty shall run from January 25, 2025, the effective date of the Agency's termination, through July 25, 2025. See Exhibit R-1 at 13. The Agency's determination is also modified to reflect the correct six-month period of ineligibility.

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 MODIFIED, and the Agency's action is MODIFIED, as outlined above.

Officially approved final version. February 25, 2025

Natasha Johnson
Assistant Commissioner

