



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 **01704-25 J.W.**

AGENCY DKT. NO. **C153966001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

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 refused appropriate shelter offered and failed to comply with shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 11, 2025, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 15, 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, 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, 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, such as a hotel/motel, shelter, or transitional housing, 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/motel/hotel or the safety of other residents, or a violation of the motel's/hotel's/shelter's health and safety policies. See N.J.A.C. 10:90-6.3(c)(3) and -6.3(c)(5).

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. Ibid.

Here, Petitioner applied for EA benefits on August 13, 2024, at which time she included her husband on her application and also noted that she had previously been the victim of domestic violence ("DV"). See Initial Decision at 2; see also Exhibit R-1 at 22-30. Petitioner and her husband were placed at a motel. See Initial Decision at 2. On August 15, 2024, Petitioner executed a SP, wherein she agreed, among other things, to abide by all the rules and regulations of the motel. Ibid. On January 8, 2025, Petitioner contacted her Agency social worker and disclosed she was the victim of verbal and physical abuse by her husband. Ibid.; see also Exhibit R-1 at 33. On January 10, 2025, the motel manager communicated to the Agency that Petitioner and her husband were engaging in constant fighting that was disrupting other motel guests and required the involvement of law enforcement. See Initial Decision at 2-3; see also Exhibit R-1 at 31. The motel



manager further informed the Agency that only one vehicle is permitted per room at the motel and Petitioner and her husband had three vehicles at the motel, as well as that Petitioner would throw items from the motel room in the middle of the night onto motel grounds and that Petitioner had personally threatened her and other guests. See Initial Decision at 2-3; see also Exhibit R-1 at 31, 34. On January 16, 2025, Petitioner phoned her Agency social worker again, reporting that her husband was threatening her and that she was looking for alternative housing. See Initial Decision at 2-3; see also Exhibit R-1 at 32. Thereafter, on February 5, 2025, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, due to her disruptive behavior and failure to comply with motel rules. See Initial Decision at 3; see also Exhibit R-1 at 1-3. On February 7, 2025, Petitioner went to the Agency to meet with her social worker and disclosed the extent of her DV history, at which time the social worker secured an immediate placement for Petitioner at a DV shelter, which placement Petitioner refused. See Initial Decision at 3; see also Exhibit R-1 at 35, 37. Petitioner testified and denied the allegations made by the motel manager, with the exception of agreeing that the vehicles belong to her husband. See Initial Decision at 3. Based upon the evidenced presented, the ALJ in this matter found that Petitioner had engaged in disruptive and threatening behavior at the motel placement, and that, in response to Petitioner's representations of DV, the Agency had offered her appropriate, immediate placement, which she had refused. Id. at 3-4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month period of ineligibility for EA benefits, were proper and must stand. See Initial Decision at 4-6; see also Exhibit R-1, and N.J.A.C. 10:90- 6.3(a)(1), -6.3(c)(3). I agree. The ALJ further opined that good cause exists for the Agency to waive the six-month EA ineligibility penalty if Petitioner reconsiders and agrees to placement at a DV shelter. See Initial Decision at 5. I also agree. Additionally, because it appears from the record that Petitioner has recently been the victim of domestic violence, the Agency is to refer Petitioner for a Family Violence Option risk assessment, pursuant to N.J.A.C. 10:90-20.1 et seq., if it has not already done so. The Initial Decision is modified to reflect this directive.

By way of comment, Petitioner is advised that, as she has been receiving continued assistance, the six-month EA ineligibility period shall run from the date of issuance of the 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 MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. May 13, 2025

Natasha Johnson
Assistant Commissioner

