



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 **00851-25 L.L.**

AGENCY DKT. NO. **C202013013 (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 she violated shelter placement rules by smoking and burning candles in her room. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On February 4, 2025, the Honorable Gauri Shirali Shah, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 5, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner has been receiving EA benefits since January 2021, and in December 2024 was placed at a motel. See Initial Decision at 2; see also Exhibit R-1. On June 25, 2024, Petitioner executed an EA service plan ("SP"), wherein she agreed, among other things, to comply with shelter rules. See Initial Decision at 2; see also Exhibit R-2. Petitioner additionally signed multiple "Emergency Placement Rules" documents, all of which included a specific notice that her EA benefits would be terminated, and a six-month EA ineligibility penalty imposed, for failure to comply with the placement rules, specifically for "violation of health and safety policies, including, but not limited to, smoking in undesignated areas, and burning candles or incense in the room," as well as, for violating policies regarding overnight guests. See Initial Decision at 3; see also Exhibit R-3. On December 6, 2024, the motel where Petitioner was placed requested that the Agency remove Petitioner due to evidence found in her room related to smoking and the use of candles, as well as stating that Petitioner allowed other individuals to stay overnight in the room. See Initial Decision at 3. Petitioner did not deny smoking in her room at the motel placement. *Id.* at 4. On December 9, 2024, the Agency sent Petitioner a Notification Form advising that her EA benefits would be terminated, effective January 8, 2025, for failure to follow shelter rules, and that Petitioner would be ineligible to receive EA benefits for a period of six months. *Ibid.*; see also Exhibit R-5. The Agency did attempt to place Petitioner at another motel, starting on January 6, 2025, however, when the Agency representative went to inform Petitioner, she found another individual in her room. See Initial Decision at 3. Petitioner did vacate her motel placement, but did not move to the offered shelter placement, and she testified she is not currently homeless as she is residing with a friend. *Id.* at 3-4. Based on the foregoing, the ALJ concluded that Petitioner had violated shelter rules, by smoking and burning candles in his room, as well as allowing overnight guests, and on that basis, affirmed the Agency's termination of Petitioner's EA benefits and imposition of a six-month EA ineligibility penalty. *Id.* at 5; see also Exhibit R-5, and N.J.A.C. 10:90-6.3(c)(5). 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, Petitioner is advised that her six-month EA ineligibility penalty shall run from January 9, 2025, the effective date of the EA termination, through July 9, 2025. See Exhibit R-5.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her 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. February 12, 2025

Natasha Johnson
Assistant Commissioner

