



State of New Jersey

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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 **00181-25 Z.P.**

AGENCY DKT. NO. **C089278008 (GLOUCESTER 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 failed to comply with his EA service plan ("SP"), as well as contending that he violated the behavior contract of the shelter where he was placed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2025, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ") held a telephonic plenary hearing, took testimony and admitted documents. On February 21, 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the 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)(1); 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 reveals that Petitioner applied for EA benefits on November 25, 2024, and executed an SP, wherein he agreed, among other things, to conduct weekly employment searches, to comply with all shelter rules and regulations, to conduct housing searches, and to apply for subsidized housing. See Initial Decision at 2-3; see also Exhibit R-1 at 20-25, 31-24. Petitioner was advised that failure to comply with his SP could affect his EA benefits eligibility. See Initial Decision at 3; see also Exhibit R-1 at 20-25, and N.J.A.C. 10:90-6.6(a). Petitioner was placed at a shelter and completed the intake process, which included a review of the shelter's rules and regulations and was advised that he was subject to a "behavior contract" during his stay at the shelter. See Initial Decision at 3; see also Exhibit R-1 at 27-28. Petitioner's EA benefits were terminated effective December 4, 2024, upon the Agency receiving a Vendor Early Termination form wherein the shelter alleged that Petitioner was intoxicated/under the influence of a substance while at the shelter, on two separate occasions, which violated the shelter rules and regulations, as well as Petitioner's SP. See Initial Decision at 3-4,



6-7; see also Exhibit R-1 at 2-7, 26-29. Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving that Petitioner had failed to comply with his EA SP, as well as failed to comply with the shelter rules, and that Petitioner had not demonstrated good cause for said violations. See Initial Decision at 7. As such, the ALJ concluded that the termination of Petitioner's EA benefits was proper and must stand, and further, that the Agency's imposition of a six-month EA ineligibility penalty was also proper and must stand. Ibid.

While I agree with the ALJ's ultimate conclusion in this matter, in instances such as this, where the termination of Petitioner's EA benefits was due to violations of shelter rules, it is the type of shelter rule violation which is controlling, not Petitioner's SP, as cited by the ALJ in the Initial Decision and in the Agency's adverse action notice. Ibid.; see also Exhibit R-1 at 4. Accordingly, I find that, based on the record presented, Petitioner's disruptive behavior at the shelter on November 27, 2024, affected the operation of the shelter and the safety of others, and as such, the 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; see also N.J.A.C. 10:90-6.3(c)(3). The Initial Decision and the Agency's adverse action notice are both modified to reflect above finding and the applicable legal authority in this matter. See N.J.A.C. 10:90-6.3(c).

By way of comment, because Petitioner has received continued assistance pending the outcome of this fair hearing, Petitioner is advised that his 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 MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version. April 03, 2025

Natasha Johnson
Assistant Commissioner

