



**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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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 6013-15 M.H.

AGENCY DKT. NO. C234700 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") benefits and the imposition of a six-month ineligibility penalty. The Agency terminated Petitioner's EA benefits for non-compliance with her service plan for failure to follow shelter rules thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On April 30, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On June 3, 2015, the ALJ issued an Initial Decision which held the Agency's determination in abeyance.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT in part and MODIFY in part the Initial Decision and REVERSE the Agency determination.

The regulations state, specifically N.J.A.C. 10:90-6.3(c), "EA shall not be provided to adult recipients who are terminated without good cause from an EA placement ... for a period of six months when the termination is the result of the recipient's actions, which may include, but are not limited to, the actions identified in (c)(1) through 6 below ... more than one violation of the same rule of the hotel/motel or shelter...which has a substantial effect on the health and safety of the residents, staff or facility."

Here, the record shows that Petitioner engaged in multiple-rule violations at the shelter where she had been placed, including not making the shelter's 11:00 p.m. curfew, leaving her child unattended and not returning to the shelter on the date that was indicated on her weekend pass. See Initial Decision at 1-2; see also Exhibits R-9 and R-10. Further, the shelter violations led to Petitioner's eviction from the facility. See Initial Decision at 3; see Exhibit R-10. The ALJ noted concerns related to domestic violence that may be ongoing in Petitioner's life, as well as the need for Petitioner and her children to have a structured living environment. See Initial Decision at 8; see also Exhibits R-3, R-4, R-5 and R-6.

The ALJ found that Petitioner presented credible evidence that showed that Petitioner's actions in violating the shelter's rules were not intentional and "unknowing mishaps." See Initial Decision at 8. Although I concur with the ALJ's finding that Petitioner's action in violating the shelter rules were found to be reasonable under the circumstances, I hereby modify the ALJ's multi-part Order, as follows:

As Petitioner's action in violating the shelter rules were found to be reasonable under the circumstances, I find it is unnecessary for the Agency, Shelter personnel and Petitioner to collectively get together to review the situations and circumstances surrounding the basis for the allegations that Petitioner was non-compliant with shelter rules. Thus, the ALJ's Order is so modified.

I hereby affirm the part of the ALJ's order that directs the Agency to review with Petitioner her Service Plan and Individual Responsibility Plan to determine if adjustments are in order, with a particular focus on the risk of Petitioner being subjected to further domestic violence. Further, I hereby affirm the ALJ's Order that the Agency notify the Division of Child Protection and Permanency ("DCP&P") if the Agency determines that it is necessary in order to protect and preserve the safety and general welfare of Petitioner's children.

As I have found that Petitioner has shown good cause for the violation of shelter rules and did not cause her own homelessness, as reflected in the record, I hereby reverse the Agency's determination to deny Petitioner EA and its imposition of a six-month EA ineligibility penalty. Therefore, it follows that the part of the ALJ's Order directing that the Agency hold in abeyance its determination to deny continuing EA to Petitioner is rendered moot.

For the foregoing reasons, I ADOPT in part and MODIFY in part the Initial Decision and REVERSE the Agency determination.

*Signed Copy on File*  
at DFD, BARA

**JUN 15 2015**

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Natasha Johnson  
Director