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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 **00359-24 A.S.**

AGENCY DKT. NO. **S449883014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

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. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On February 8, 2024, the Honorable Andrea Perry Villani, Administrative Law Judge ("ALJ"), commenced the plenary hearing, but said hearing was adjourned to permit settlement negotiations. When the parties did not settle, on February 22, 2024, the plenary hearing continued, testimony was taken, documents admitted and the record then closed. On February 23, 2024, the ALJ issued an Initial Decision, reversing 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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

The rules of evidence are relaxed and hearsay is admissible in the OAL, but "some legally competent evidence must exist to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness." See N.J.A.C. 1:1-15.5(b).

Here, the record reflects that the Agency terminated Petitioner's EA benefits on the basis that she had allegedly engaged in threatening/disruptive behavior and that she had purportedly left her children alone at the shelter, and had taken an unauthorized cell phone recording of her interaction with a shelter worker, resulting in her termination from the shelter placement. See Initial Decision at 2-3; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(c)(3). The record also reflects that the Agency relied on a letter from the manager of the shelter as the basis for its termination. See Initial Decision at 3; see also Exhibits R-1, R-2. However, the ALJ found that no one from the shelter placement, nor anyone from the Agency, with direct knowledge of the alleged incident, were present at the hearing to attest to the truth of the matter, and no corroborating documentary evidence was provided. See Initial Decision at 4; see also N.J.A.C. 1:1-15.5. Further, the ALJ found Petitioner's testimony, and limited substantiating evidence disputing said shelter incident, to be credible. See Initial Decision at 3-5; see also Exhibit P-1. Additionally, the ALJ found that the Agency had failed to review any such shelter rules with Petitioner, as required by regulatory authority. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(c). Moreover, the ALJ found that the act of Petitioner having left her children briefly unsupervised, and unauthorized cell phone recordings were to be considered minor shelter rule violations not subject to EA benefits termination, and imposition of a six-month EA ineligibility penalty. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(e). Based on



the foregoing, the ALJ found that the Agency had failed to meet its burden of proof to show, by a preponderance of the credible evidence, that Petitioner had violated shelter rules. See Initial Decision at 2-3. Accordingly, the ALJ concluded that Petitioner had not violated shelter rules, and therefore, the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. Id. at 4-6; see also Exhibit R-2. I agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is REVERSED, as outlined above.

Officially approved final version. April 11, 2024

Natasha Johnson
Assistant Commissioner

