



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 **02150-24 B.H.**

AGENCY DKT. NO. **C099696011 (MERCER COUNTY BOARD OF SOC. SVCS..)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits EA benefits. The Agency terminated Petitioner's EA benefits, contending that he violated motel rules, which resulted in his removal from his motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 20, 2024, but Petitioner failed to appear, alleging that she had not received notice of the hearing date, and the hearing was rescheduled for February 26, 2024. On that rescheduled date, the Honorable Kimberly M. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 27, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's EA benefits, contending that Petitioner had violated motel rules by engaging in threatening and/or disruptive behavior, and for violating the health and safety polices by smoking in his motel room, resulting in Petitioner's termination from said shelter. See Initial Decision at 3; see also Exhibits R-4, R-5, R-6, R-7, R-9, and N.J.A.C. 10:90-6.3(c)(3), (5). The record also reflects that the Agency relied on emails from motel owners as the basis for its termination. See Initial Decision at 6; see also Exhibits R-6. However, the ALJ found that no one from the motel, nor anyone from the Agency with direct knowledge of the alleged violation, was present at the hearing to attest to the truth of the violation alleged in the emails, or the Agency's adverse action notice. See Initial Decision at 5-6; see also N.J.A.C. 1:1-15.5(b). Further, the ALJ found that Petitioner's mother's ("S.H.") rebuttal testimony regarding her son's alleged motel violations to be credible. See Initial Decision at 4-6. Accordingly, the ALJ concluded that the Agency had failed to meet its burden of proof to show, by a preponderance of the credible evidence, that Petitioner had violated motel rules. Id. at 6-8. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. Id. at 7-8; see also Exhibit R-7. 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.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.



Officially approved final version. March 15, 2024

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Natasha Johnson  
Assistant Commissioner

