



State of New Jersey

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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 **04994-24 T.J.**

AGENCY DKT. NO. **C208709020 (UNION COUNTY DIVISION 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 rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 19, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 22, 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, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that the Agency representative who appeared on the Agency's behalf at the hearing, despite exercising his best efforts, had not been provided the substantiating documentation from the responsible Agency units necessary to support the Agency's adverse action in this matter, specifically, the termination of Petitioner's EA benefits, and the imposition of a six-month EA penalty. See Initial Decision at 2. As it is the Agency's responsibility to provide the evidence necessary to support the action taken by the Agency, and as no substantiating evidence had been provided at the hearing, the ALJ found that the Agency had failed to meet its burden of proof in this matter. *Id.* at 2-3. Based on the foregoing, the ALJ found that the Agency's action in this matter must be reversed. *Id.* at 3. I agree.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b) which states, "[t]he county or municipal agency representative must have knowledge of the matter at issue and must be able to present the agency case, supplying the ALJ with that information needed to substantiate the agency action." (emphasis added).

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



Officially approved final version. April 24, 2024

Natasha Johnson
Assistant Commissioner

