



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 10975-20 C.H.

AGENCY DKT. NO. C061581003 (BURLINGTON COUNTY BD. 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 had violated motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 13, 2021, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow submissions by the parties, and then closed on January 21, 2021.

On February 11, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she refuted the motel claims that she had violated motel rules by fighting with other motel residents on three separate occasions. See Initial Decision at 3-4; see also Exhibit R-4. The record also indicates that the police were not called, nor any police report issued, on any of the three alleged altercations. See Initial Decision at 3. Petitioner admitted to having engaged in one or two altercations with the motel manager, however, the ALJ found that, although regrettable, Petitioner's actions were understandable considering the manager's use of unacceptable language aimed toward Petitioner. *Id.* at 2, 4. The ALJ also found that Petitioner has had no further violation issues since relocating to another motel. *Id.* at 4. Finally, the ALJ found that the Agency had failed to provide any residuum of competent evidence to corroborate the alleged motel violation. *Id.* at 5; see also Exhibit R-4, and N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits, and imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(c)(3). 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.

MAR 25 2021

Natasha Johnson
Assistant Commissioner

