



State of New Jersey

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TRENTON, NJ 08625-0716

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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 833-21 D.R.

AGENCY DKT. NO. C107620003 (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 he violated motel rules, and that he was not a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 3, 2021, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 8, 2021, 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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that by Revised Termination Notice dated March 1, 2021, the Agency terminated Petitioner's EA benefits, effective December 1, 2020, and imposed a six-month EA ineligibility penalty, contending that Petitioner violated motel rules. See Initial Decision at 3, 5-6; see also Exhibits R-A, R-F, R-H, and N.J.A.C. 10:90-6.3(c) (2), (3). Said termination was based on a letter and email sent from the motel manager to the Agency, advising that Petitioner had violated motel rules by engaging in threatening and/or disruptive behavior and for theft of a television set, resulting in a request that Petitioner be removed from the motel. See Initial Decision at 5; see also Exhibit R-H. However, no one from the motel, nor anyone from the Agency with direct knowledge of the incident, was present at the hearing to attest to the truth of those motel violation claims. See Initial Decision at 6; see also N.J.A.C. 1:1-15.5. Petitioner disputed the violations presented in the aforementioned communications. *Id.* at 5-6; see also Exhibit R-H. Based on the foregoing, the ALJ concluded that the Agency had failed to meet its burden of proof to show, by a preponderance of competent evidence, that Petitioner had failed to comply with motel rules. See Initial Decision at 6. Accordingly, the ALJ



concluded that 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 7; see also Exhibit R-A. I agree.

Further, in accordance with procedures instituted by DFD due to the ongoing COVID-19 pandemic, the ALJ found that the Agency's termination of Petitioner's EA benefits, on the basis that he had exhausted his lifetime limit of EA benefits, was improper and must be reversed. See Initial Decision at 7; see also Exhibits R-A, R-F. I agree.

Finally, the ALJ found that Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA") benefits had been properly terminated, effective December 1, 2020, and therefore, because he was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, he was ineligible for EA benefits on that basis. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and SSI benefits recipients). However, the record reflects that, as of January 2021, Petitioner had completed his WFNJ/GA redetermination, and moreover, I take official notice that the records of this office indicate that Petitioner's WFNJ/GA benefits had not been terminated on December 1, 2020, and that to date, he continues to receive WFNJ/GA benefits. See Initial Decision at 3; see also N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Therefore, I find that the Agency's December 1, 2020, termination of Petitioner's WFNJ/GA benefits is now moot. See Initial Decision 3-4. The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner is advised that any future shelter rule violations, without good cause, may result in a termination of his EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(c), (e).

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

Officially approved final version.

APR 20 2021

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Natasha Johnson

Assistant Commissioner

