



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 04942-21 J.S.

AGENCY DKT. NO. S540764012 (MIDDLESEX 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/shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for June 15, 2021, but was adjourned by consent of the parties. On June 16, 2021, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 17, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, on the bases of an email from hotel management, photographs, a police report, and a "Hotel Incident Report" submitted by the Agency Investigator, the Agency terminated Petitioner's EA benefits, contending that he had violated motel rules by possessing a weapon, destruction of property, and engaging in threatening and/or disruptive behavior. See Initial Decision at 2-4; see also Exhibit R-1 at 10, 12, 14, 15, and N.J.A.C. 10:90-6.3(c)(1), (2), (3). Petitioner did not testify at the hearing. The ALJ found that the hotel communication, the photographs, the police report, and the Investigator's report were hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record. See Initial Decision at 4-8; see also N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ concluded that the Agency had failed to produce competent evidence to establish its reasons for terminating Petitioner EA benefits. See Initial Decision at 8. Accordingly, the ALJ further 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. *Ibid.*; see also Exhibit R-1 at 16. I agree.

Exceptions to the Initial Decision were filed by the Agency on June 18, 2021.

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.

By way of comment, pursuant to the testimony of Petitioner's mental healthcare provider, which the ALJ found to be credible, the Agency is advised to take Petitioner's particular mental health circumstances



into consideration in its determination of the most appropriate form of housing required to meet Petitioner's needs. See Initial Decision at 4-5, 8; see also Exhibit R-1 at 19, 20, 22, and N.J.A.C. 10:90-6.3(a)(1).

By way of further comment, Petitioner is advised that any future motel/shelter rule violation may result in the termination of his EA benefits, and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.3(c), (e).

Also, by way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

JUL - 6 2021

Natasha Johnson
Assistant Commissioner

