



State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 04432-21 L.J.

AGENCY DKT. NO. C205773004 (CAMDEN COUNTY BOARD 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, contending that she violated shelter rules, which resulted in her removal from said shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 20, 2021, but Petitioner failed to appear, and the hearing was rescheduled. On May 25, 2021, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On May 26, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, by notice dated March 15, 2021, the Agency terminated Petitioner's EA benefits, effective April 15, 2021, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated shelter rules, resulting in her termination from the first shelter placement, and thereafter, had failed to show up at her second shelter placement. See Initial Decision at 2-3; see also Exhibit R-1 at 2-5, 22-24. Said termination of Petitioner's EA benefits was based on "Vender Early Termination" notices from the shelters' program assistants to the Agency, on Agency letterhead, advising that certain shelter rules had allegedly been violated by Petitioner at her first placement, resulting in termination, and that she had failed to show up at her second shelter placement. See Initial Decision at 2-3; see also Exhibit R-1 at 6-11. However, no one from the shelter, nor anyone from the Agency with direct knowledge of the incident, was present at the hearing to attest to the truth of the claims made in those notices. See Initial Decision at 2-3. Accordingly, the ALJ found that the shelter notices, and the Agency's testimony, were hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record. See Initial Decision at 5-6; see also N.J.A.C. 1:1-15.5. As such, the ALJ concluded that the Agency had failed to meet its burden of proof to show, by a preponderance of the evidence, that Petitioner had violated shelter rules. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(c), (e). Further, the ALJ concluded that no documentary evidence or testimony regarding Petitioner's alleged shelter rule violations occurring after the Agency's March 15, 2021, termination notice would be considered as said alleged violations were not subject to this appeal. See Initial Decision at 4; see also Exhibit R-1 at 2-5, 12-17. Based on the foregoing, 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. See Initial Decision at 6-8; see also Exhibit R-1 at 2-5, and N.J.A.C. 1:1-15.5. I agree.

Exceptions to the Initial Decision were filed by the Agency on May 28, 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, Petitioner is advised that any future shelter rule violations, without good cause, may result in a termination of her EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(c), (e).

By way of further 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.

JUN 10 2021

---

Natasha Johnson  
Assistant Commissioner

