



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Acting Commissioner*

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*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 04867-21 N.D.

AGENCY DKT. NO. S615054012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had been evicted from her motel placement due to motel rule violations, and that she voluntarily abandoned her motel placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 14, 2021, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 15, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she refuted the Agency's claims that she had been evicted from her motel placement for violating motel rules by damaging the inside of her motel room, and also refuted the Agency's claim that she had abandoned her motel placement. See Initial Decision at 2-8; see also Exhibit R-1 at 30, and N.J.A.C. 10:90-6.1(c)(3), -6.3(c)(2). The ALJ also found that the alleged motel room damage could have occurred during the time Petitioner had been absent from her motel placement, due to damage to her motel room door (caused by the father of her children during to a domestic violence incident) and medical issues, and at which time her previously damaged motel room door remained damaged and could not be secured or locked. See Initial Decision at 8; see also Exhibit R-1 at 26, 27, 28. Additionally, the ALJ found that Petitioner had not abandoned her motel placement, but rather that she had just been absent from her room while she was in the hospital, and thereafter recuperating at a relative's residence. See Initial Decision at 5-8. Further, the ALJ found that Petitioner had not been evicted from her motel placement due to any motel violation, as evidenced by the motel personnel's statement to the Agency that they had been unaware that Petitioner was not still residing in her motel room. *Id.* at 7-8. Finally, the ALJ found that the Agency had failed to provide any residuum of competent evidence to corroborate the alleged motel violation, an eviction of Petitioner from her motel placement, or the abandonment by Petitioner of her motel placement. *Id.* at 7-9; see also Exhibit R-1 at 26, 27, 28, 29, and N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits was improper and must be reversed. See Initial Decision at 9-10; see also Exhibit R-1 at 30. I agree.



Exceptions to the Initial Decision were filed by the Agency on June 16, 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, the record indicates that Petitioner had been referred to the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") due to mental health issues, but had failed to comply with such referral. See Initial Decision at 3; see also Exhibit R-1 at 32. Petitioner is advised that any future failure to comply with SAI/BHI may result in the termination of her EA benefits.

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.

Also, by way of comment, as the record indicates that Petitioner has an open case with the Division of Child Protection and Permanency ("DCPP"), a copy of the Initial and Final Decisions shall be forwarded to DCPP. See Initial Decision at 3.

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

Officially approved final version.

JUN 24 2021

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Natasha Johnson

Assistant Commissioner

