



## State of New Jersey

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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 **10155-22 B.B.**

AGENCY DKT. NO. **C040854005 (CAPE MAY 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, which resulted in his removal from said motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 22, 2022, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On January 10, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated shelter rules by allowing an unauthorized guest stay in his room, and by engaging in threatening and/or disruptive behavior, which resulted in police involvement. See Initial Decision at 2-3; see also Exhibit R-1 at 11-15, and N.J.A.C. 10:90-6.3(c) (3), (e)(1)(iii). The record also reflects that the Agency relied on the allegations made in a letter from the motel manager as the basis for its termination. See Initial Decision at 3; see also Exhibit R-1 at 17. However, the ALJ found that no one from the motel, nor anyone from the Agency with direct knowledge of the alleged violations, were present at the hearing to attest to the truth of the violations alleged in the motel manager's letter, or the Agency's adverse action notice. See Initial Decision at 2-3; see also N.J.A.C. 1:1-15.5(b). Further, Petitioner maintained that he had not engaged in the alleged violations. See Initial Decision at 3. Accordingly, the ALJ concluded that the Agency had failed to meet its burden of proof to show, by a preponderance of the credible evidence, that Petitioner had violated motel rules. *Id.* at 3-5. 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. *Id.* at 5; see also Exhibit R-1 at 11-15. 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. March 01, 2023

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Natasha Johnson  
Assistant Commissioner

