



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **04423-23 J.R.**

AGENCY DKT. NO. **C107864003 (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, contending that she violated the occupancy rules at two motel placements, which resulted in her removal from said motel placements, thereby also violating her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 30, 2023, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 31, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, by notice dated May 9, 2023, the Agency terminated Petitioner's EA benefits, effective June 9, 2023, contending that Petitioner had violated the rules of two shelter placements by allowing unauthorized guests to stay in her motel room, resulting in her discharge from those motel placements, in violation of her SP. See Initial Decision at 2-3; see also Exhibit F, and N.J.A.C. 10:90-6.3(e)(1)(iii), -6.6(a). Of note, Petitioner's executed SP is not in the record, but rather what appears in the record is an executed acknowledgement of the "Rules and Regulations for Emergency Shelter Placement." See Initial Decision at 3; see also Exhibit F at 32. Said termination of Petitioner's EA benefits was based on faxed written documents from the motel managers, advising that certain motel rules had allegedly been violated by Petitioner, and a telephone call from one motel manager, resulting in her discharge from said motels. See Initial Decision at 2, 5; see also Exhibits B and C. Petitioner disputed the motel managers' and the Agency's allegations, and provided documentation which the ALJ found refuted the assertions made by the motel managers and the Agency. See Initial Decision at 3-5; see also Exhibits P-1 and P-2. The ALJ also found that no one from the motels, nor anyone from the Agency with direct knowledge of the alleged violations, were present at the hearing to attest to the truth of the claims made in those communications. See Initial Decision at 4-5; see also Exhibits B and C. Accordingly, the ALJ found that the motel communications 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; see also Exhibits B and C, and 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 motel rules. See Initial Decision at 6-7; see also N.J.A.C. 10:90-6.3(e)(1)



(iii). 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 7; see also Exhibit F. I agree.

Exceptions to the Initial Decision were filed by the Agency on June 1, 2023.

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, I have reviewed the Agency's Exceptions, and 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. June 12, 2023

Natasha Johnson
Assistant Commissioner

