



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 **09044-22 M.A.**

AGENCY DKT. NO. **C164176020 (UNION COUNTY DIVISION 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 shelter rules, which resulted in his removal from said shelter placement, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for November 11, 2022, but was adjourned to allow the Agency the opportunity to have a witness from the shelter appear. On December 6, 2022, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 7, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, by notice dated September 8, 2022, the Agency terminated Petitioner's EA benefits, effective October 7, 2022, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated shelter rules, resulting in his termination from his shelter placement, thereby causing his own homelessness. See Initial Decision at 2; see also "Notification Form," and N.J.A.C. 10:90-6.1(c)(3), -6.3(c)(3). However, the ALJ found that no one from the shelter, 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 Agency's adverse action notice, and that no documentation evidencing the alleged violations was submitted. See Initial Decision at 2-3; see also N.J.A.C. 1:1-15.5. Further, the ALJ found that Petitioner had not been given, or advised of, the shelter rules, nor had any shelter rules been provided by the Agency or the shelter case manager at the hearing. 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 evidence, that Petitioner had violated shelter rules. *Ibid.* 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. *Ibid.*; see also "Notification Form." 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.

January 19, 2023

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Natasha Johnson

Assistant Commissioner

