



State of New Jersey

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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 **06621-23 R.W.**

AGENCY DKT. NO. **C222181013 (MONMOUTH COUNTY DIV. 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. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 22, 2023, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 26, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated motel rules, resulting his exit from his motel placement. See Initial Decision at 2-4; see also Exhibit R-1 at 12-16, and N.J.A.C. 10:90-6.3(c) (2), (3), (4). Said termination of Petitioner's EA benefits was based on a telephone call and follow-up email from the motel owner to the Agency, advising that certain motel rules had allegedly been violated by Petitioner. See Initial Decision at 2-4; see also Exhibit R-1 at 16. Petitioner disputed the motel owner's, and the Agency's, allegations. See Initial Decision at 4. The ALJ found that no one from the motel, no police report, 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. *Id.* at 4-6. Conversely, the ALJ found Petitioner's testimony and documentation provided, disputing the motel owner's and the Agency's allegations, to be credible. *Id.* at 4; see also Exhibits P-1, P-2. Accordingly, the ALJ found that the motel communications, and the Agency's testimony and inter-office memorandum, were hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record, and as such, 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; see also Exhibit R-1 at 12, 16, and N.J.A.C. 1:1-15.5. 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. See Initial Decision at 6-8; see also Exhibit R-1 at 12-15. I agree.

Exceptions to the Initial Decision were filed by the Agency on October 3, 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. October 19, 2023

Natasha Johnson
Assistant Commissioner

