



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 **08192-23 S.C.**

AGENCY DKT. NO. **C740996007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 she violated shelter rules, which resulted in her removal from said shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 30, 2023, the Honorable Susana Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 31, 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 enlisting her family to engage in threatening and/or disruptive behavior toward another shelter resident, resulting in Petitioner's termination from said shelter. See Initial Decision at 2-3; see also Exhibit R-1 at 2-7, 9-11, and N.J.A.C. 10:90-6.3(c)(3). The record also reflects that the Agency relied on an incident report made by the Operations Coordinator ("O.C.") of the shelter as the basis for its termination. *Ibid.* However, the ALJ found that no one from the shelter, nor anyone from the Agency with direct knowledge of the alleged violation, was present at the hearing to attest to the truth of the violation alleged in the O.C.'s incident report, or the Agency's adverse action notice. See Initial Decision at 3; see also N.J.A.C. 1:1-15.5(b). Further, the ALJ found that Petitioner credibly testified that she had not engaged in the alleged violation. See Initial Decision at 3-4. 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 shelter rules. See Initial Decision at 4-5. 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 2-7. 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. September 12, 2023

Natasha Johnson
Assistant Commissioner

