



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 **04097-23 S.C.**

AGENCY DKT. NO. **C037164018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she violated hotel rules, which resulted in her removal from said hotel placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 15, 2023, the Honorable Susan L. Olgiate, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open until 5:00 p.m. on the date of the hearing to allow Petitioner the opportunity to submit additional relevant documentation, and the record then closed.

On May 17, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, by notice dated April 11, 2023, the Agency terminated Petitioner's EA benefits, effective May 10, 2023, contending that Petitioner had violated hotel/shelter rules, resulting in the police being called, and her termination from her hotel placement, thereby causing her own homelessness. See Initial Decision at 2; see also Exhibit R-1 at 6-9, and N.J.A.C. 10:90-6.3(c). Said termination of Petitioner's EA benefits was based on emails from the hotel landlord to the Agency, advising that certain hotel/shelter rules had allegedly been violated by Petitioner, resulting in her termination from that hotel. See Initial Decision at 2; see also Exhibit R-1 at 18-19. Petitioner disputed the hotel landlord's, and the Agency's, allegations. See Initial Decision at 2-3. The ALJ found that no one from the hotel, 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 3; see also Exhibit R-1 at 18-19. Accordingly, the ALJ found that the hotel 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 3; see also Exhibit R-1 at 18-19, 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 hotel/shelter rules. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.3(c). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1 at 6-9. 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. May 30, 2023

Natasha Johnson
Assistant Commissioner

