



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 12936-23 S.M.

AGENCY DKT. NO. C213738009 (HUDSON COUNTY DEPT OF FAM 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 she violated the terms of her EA service plan ("SP") and violated shelter/motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 21, 2023, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 22, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, and providing a detailed and well thought out analysis, applying law to fact. See Initial Decision at 2-10. Specifically, based on Petitioner's credible testimony and the documentation submitted, the ALJ found, and the Agency did not dispute, that the March 22, 2023, SP failed to state that Petitioner was responsible to pay her portion of her motel placement costs, that the Agency failed to advise Petitioner that she was responsible for such motel payment, that the Agency failed to review or provide Petitioner with a copy of the SP, and moreover, that the SP was invalid as it was not properly signed by Petitioner. See Initial Decision at 2-3, 7; see also N.J.A.C. 10:90-6.5(a), -6.6(a). Additionally, the record reflects that the Agency had been paying 100 percent of Petitioner's motel costs through July 2023, and that it was not until a new SP was executed on September 21, 2023, that such motel payment terms were incorporated into the SP, requiring Petitioner to pay her portion of the motel costs. See Initial Decision at 3-4, 6-7; see also Exhibit R-2. Further, concerning Petitioner's failure to pay her portion of the rent in accordance with the terms of the September 21, 2023, SP, the ALJ found that Petitioner had good cause for failing to pay her contribution of the August and September 2023, motel costs. See Initial Decision at 3-7, 9-10; see also Exhibit R-1 at 10-24, and N.J.A.C. 10:90-6.6(a). Regardless, the ALJ concluded that the September 21, 2023, SP was invalid and not enforceable against Petitioner as it was not properly executed by Petitioner, nor was there evidence that a copy of the SP was given to, or reviewed with, Petitioner. See Initial Decision 6-7; see also Exhibit R-2, and N.J.A.C. 10:90-6.6(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits,



and imposition of a six-month EA ineligibility penalty, on this basis, were improper and must be reversed. See Initial Decision at 10; see also Exhibit R-1 at 1-6. I agree.

Additionally, regarding the Agency's termination of Petitioner's EA benefits on the basis that she violated motel rules, the ALJ found Petitioner credible when she testified that she had not violated motel rules, and moreover found that the Agency had failed to meet its burden of proof to show, by a preponderance of the credible evidence, that Petitioner had violated motel rules, or that it had reviewed with her whether or not there were any barriers which inhibited her ability to comply with such motel rules. See Initial Decision at 5-6, 8-9; see also N.J.A.C. 10:90-6.3(c), (e), (g). The record clearly reflects that that no one from the motel placement, nor anyone from the Agency, with direct knowledge of the alleged motel violations, were present at the hearing to attest to the truth of the matter, and no corroborating documentary evidence was provided. See Initial Decision at 5-6, 8-9; see also N.J.A.C. 1:1-15.5. As such, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and imposition of a six-month EA ineligibility penalty, on this basis, were also improper and must also be reversed. See Initial Decision at 10; see also Exhibit R-1 at 1-6. I also agree.

Exceptions to the Initial Decision were filed by the Agency on November 29, 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. The Agency is also reminded that evidence not presented at the hearing shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version. November 30, 2023

Natasha Johnson
Assistant Commissioner

