



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 **07035-23 S.R.**

AGENCY DKT. NO. **S617362012 (MIDDLESEX COUNTY BD. 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, contending that she had violated the terms of her EA service plan ("SP") by failing to provide required documentation and by violating motel/shelter rules. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 9, 2023, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 10, 2023, the ALJ issued an Initial Decision, affirming in part, and denying in part, the Agency's determination. Here, the ALJ also found that Petitioner had executed several SPs wherein she agreed, among other things, to submit weekly housing logs, monthly subsidized housing logs, and weekly job search logs, to the Agency, and to abide by motel/shelter rules. See Initial Decision at 2-4, 10; see also Exhibits R-1 through R-4, R-6, R-7. Further, the ALJ found that Petitioner had failed to comply with her SP by consistently failing to timely provide to the Agency the required proofs of housing, subsidized housing, and job searches. See Initial Decision at 4-6, 9-10; see also Exhibit R-5. Petitioner admitted that she had failed to provide the Agency with her June and July 2023, housing and job search logs. See Initial Decision at 5. Applying the law to the facts, the ALJ concluded that Petitioner had failed to comply with her SP, without good cause, and as such, further concluded that the Agency's termination of Petitioners' EA benefits, and the imposition of a six-month period of ineligibility for EA benefits, were proper and must stand. See Initial Decision at 5-6, 9-10, 12; see also Exhibit R-10, and N.J.A.C. 10:90-6.6(a). I agree.

The ALJ also found that the Agency had failed to prove, by a preponderance of the evidence, that Petitioner had violated motel/shelter rules. See Initial Decision at 6-12; see also Exhibits R-8, R-9, R-11, and N.J.A.C. 10:90-6.3(c), (e). Specifically, the ALJ found that no one from the motel, nor anyone from the Agency with direct knowledge of the alleged violations, were present at the hearing to attest to the truth of the motel rule violation claims. See Initial Decision at 10-12; see also N.J.A.C. 1:1-15.5. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits on



the basis that Petitioner violated motel/shelter rules was improper and must be reversed. See Initial Decision at 10-12; see also Exhibit R-10. I also 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.

By way of comment, Petitioner is advised that her six-month EA ineligibility penalty shall run from August 13, 2023, the effective date of the Agency's termination, through February 12, 2024. See Exhibit R-10.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with their current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED in part, and reversed in part, as outlined above.

Officially approved final version. August 23, 2023

Natasha Johnson
Assistant Commissioner

