



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 **10865-23 T.L.**

AGENCY DKT. NO. **C458207016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he violated shelter rules, which resulted in his removal from said shelter. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 18, 2023, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On October 19, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency denied Petitioner's application for EA benefits, contending that he had violated shelter rules by engaging in threatening and/or disruptive behavior, resulting in the police being called, and his termination from the shelter. See Initial Decision at 3; see also Exhibits R-1, R-3, and N.J.A.C. 10:90-6.3(c)(3). Said denial of EA benefits to Petitioner was based on an email from the shelter Director to the Agency, advising that Petitioner was terminated from said shelter due to "combative" behavior, and the use of abusive language, aimed at a shelter employee. See Initial Decision at 3, 5; see also Exhibits R-2, R-4. Petitioner disputed the description of what occurred at the shelter. See Initial Decision at 4. The record reflects that no one from the shelter, 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. *Id.* at 5-6. Accordingly, the ALJ found that the shelter email communication, and the Agency's testimony, were hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record. *Ibid.*; see also Exhibit R-2, 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 shelter rules and caused his own homelessness. See Initial Decision at 1, 5-6; see also N.J.A.C. 10:90-6.3(c)(3). Moreover, as the Agency had not placed Petitioner in said shelter, and Petitioner was not an EA benefits recipient, the ALJ found that the regulatory authority set forth at N.J.A.C. 10:90-6.3(c), upon which the Agency relied, was not controlling in this matter. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5-7; see also Exhibit R-1. 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.

By way of comment, the applicable regulatory authority in this matter, upon which the Agency should have relied, is N.J.A.C. 10:90-6.1(c)(3). Nevertheless, the ALJ's legal analysis and conclusion of law would still stand.

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

Officially approved final version. October 26, 2023

Natasha Johnson
Assistant Commissioner

