



## State of New Jersey

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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 **01006-24 A.S.**

AGENCY DKT. NO. **C086551018 (SOMERSET COUNTY BOARD 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, and imposed a six-month EA ineligibility penalty, contending that she violated motel placement rules, resulting in her termination from the motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On January 31, 2024, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 1, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

The rules of evidence are relaxed and hearsay is admissible in the OAL, but "some legally competent evidence must exist to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness." See N.J.A.C. 1:1-15.5(b).

Here, the record reflects that the Agency terminated Petitioner's EA benefits on the basis that at her motel placement she had allegedly engaged in threatening/disruptive behavior, destruction of property, and criminal activity, resulting in police involvement, and her termination from the motel placement. See Initial Decision at 2-4; see also Exhibits D1, D2, E, and N.J.A.C. 10:90-6.3(c)(3)(2), (3). Petitioner disputed the motel rule violation allegations. See Initial Decision at 3. The record reflects, and the ALJ found, that no one from the motel placement, nor anyone from the Agency, with direct knowledge of the alleged incidents, were present at the hearing to attest to the truth of the alleged shelter rule violations, and no corroborating documentary evidence was provided, except for an insufficient police report. See Initial Decision at 2-4; see also Exhibit E, and N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ 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. See Initial Decision at 5-6. Accordingly, 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 5-6; see also Exhibit A. I agree.



By way of comment, it should be noted that in instances such as this, where a violation of shelter rules is at issue, it is the type of violation set forth at N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e) which would be controlling, and not the regulatory authority set forth in the Agency's adverse action notice. See Exhibit A.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is REVERSED, as outlined above.

Officially approved final version. February 14, 2024

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Natasha Johnson  
Assistant Commissioner

