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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 **01179-24 D.C.**

AGENCY DKT. NO. **C235215013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had violated shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 1, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated motel rules by engaging in disruptive behavior, resulting in his eviction from his prior shelter placement. See Initial Decision at 2-3, 5-6; see also Exhibit R-1 at 5-7, 15-17, and N.J.A.C. 10:90-6.3(c)(3). Petitioner disputed the Agency's and the Shelter Site Coordinator's ("SSC") allegations. See Initial Decision at 3-4; see also Exhibit R-1 at 18. The ALJ found that no one from the shelter, nor anyone from the Agency with direct knowledge of the alleged violations, were present at the hearing to attest to the truth of such alleged violations, nor was any credible evidence presented to substantiate such allegations. See Initial Decision at 4-6, 8; see also Exhibit R-1 at 7. Rather, the ALJ found Petitioner's testimony and written statement disputing the SSC's and Agency's allegations, to be credible. See Initial Decision at 5-6, 8; see also Exhibit R-1 at 18. Accordingly, the ALJ found that the SSC's testimony and written statement, and the Agency's testimony, were hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record, and as such, the Agency had failed to meet its burden of proof to show, by a preponderance of the evidence, that Petitioner had violated shelter rules. See Initial Decision at 5 fn1, 8; see also Exhibit R-1 at 7, and N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 8; see also Exhibit R-1 at 15-17. 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. February 14, 2024

Natasha Johnson
Assistant Commissioner

