



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*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 **02678-22 A.D.**

AGENCY DKT. NO. **C639725007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 he had violated hotel/motel shelter rules, which resulted in his termination from said shelter placements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 12, 2022, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 13, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, by notice dated March 4, 2022, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated hotel/motel shelter rules and regulations, resulting in his termination from two shelter placements. See Initial Decision at 2-5; see also Exhibit R-1 at 1-6, and N.J.A.C. 10:90-6.3(c). Said termination of Petitioner's EA benefits was based on an email sent from a hotel employee to the Agency, claiming that Petitioner had violated shelter rules by wielding a knife in the hotel placement, resulting in police involvement, and also based upon a non-contemporaneous, dubiously signed Incident Report from the second shelter placement indicating that Petitioner had violated shelter rules by engaging in certain disruptive behaviors. See Initial Decision at 2-5; see also Exhibit R-1 at 7-8, 20. However, no one from the hotel or shelter placements, nor anyone from the Agency with direct knowledge of the incident, were present at the hearing to attest to the truth of those claims, nor was the video from the first incident, police report investigative report or investigator testimony, presented. See Initial Decision at 3, 6-7. Petitioner disputed the alleged violations presented in the aforementioned hotel and shelter termination documents. *Id.* at 3-4, 7; see also Exhibit R-1 at 7-8, 20. The ALJ found that the hotel and shelter termination documents, and the Agency's testimony, were hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record. See Initial Decision at 6-7; see also 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 failed to comply with shelter rules. *Id.* at 7. Based on the foregoing, 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 7-8; see also Exhibit R-1 at 1-6. I agree.

Exceptions to the Initial Decision were filed by the Agency on April 20, 2022.

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 any future shelter rule violations, without good cause, may result in a termination of her EA benefits, and ineligibility for same, for a period of six months. See N.J.A.C. 10:90-6.3(c), (e).

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

April 25, 2022

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Natasha Johnson  
Assistant Commissioner

