



State of New Jersey

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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 **00657-22 E.T.**

AGENCY DKT. NO. **C214551020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Petitioner's application for Emergency Assistance ("EA") benefits, the termination of his immediate need placement, 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 was terminated from his immediate need hotel placement due to his violation of hotel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 1, 2022, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 2, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency placed Petitioner in immediate need hotel housing on September 20, 2021. See Initial Decision at 2. The record also reflects that while Petitioner's EA benefits application was still pending, he was asked to leave the motel due to allegedly stealing money from other hotel guests' rooms, for which an arrest was made. *Id.* at 2-3; see also Exhibits R-1, R-3. As a result, by notice dated October 14, 2021, the Agency denied EA benefits to Petitioner, effective that same date, and imposed a six-month EA ineligibility penalty, contending that the alleged theft by Petitioner had violated hotel rules. See Initial Decision at 2-3; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3), -6.3(c)(3). Said denial was based upon a telephone call and an email from the hotel general manager, advising the Agency that Petitioner had been terminated from the hotel placement due to alleged theft of money from other hotel guests' rooms. See Initial Decision at 2-3, 5; see also Exhibits R-2, R-3. The record reflects that the Agency also based its denial on a criminal Complaint-Warrant issued against Petitioner for said alleged theft, which is not indicative of actual wrong doing. See Initial Decision at 2; see also Exhibit R-1. Petitioner disputed said allegations contained in the hotel general manager's email, as well as the criminal Complaint-Warrant. See Initial Decision at 3-4; see also Exhibit R-1. The ALJ found that no hotel representative, with direct knowledge of the alleged theft/motel violation, was present at the hearing to attest to the truth of the claims made in the hotel general manager's telephone call and/or email. See Initial Decision at 2, 4-6; see also N.J.A.C. 1:1-15.5(a), (b). The ALJ also found that the Agency had failed to provide any sufficient corroborating documentation to support the hearsay allegations of the hotel general manager. See Initial Decision at 4-6; see also N.J.A.C. 1:1-15.5(a), (b).



(c). Accordingly, the ALJ concluded that the Agency had failed to prove, by a preponderance of the evidence, that Petitioner had violated his immediate need motel placement rules. See Initial Decision at 8. Moreover, the ALJ found Petitioner's testimony, disputing said violation, to be credible and the only competent evidence offered at the hearing. Id. at 6. Finally, the ALJ found that the Agency had failed to prove that it had provided Petitioner with hotel rules either orally or in writing, in violation of regulatory authority. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.3(c). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, the termination of his hotel/shelter placement, 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-2. 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 8, 2022

Natasha Johnson
Assistant Commissioner

