



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **00060-22 J.D.**

AGENCY DKT. NO. **C035850005 (CAPE MAY COUNTY BD. 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 she was terminated from her immediate need motel placement due to her violation of motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 18, 2022, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 18, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on January 24, 2022.

As Assistant Commissioner, Division of Family Development, 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.

Pursuant to N.J.A.C. 1:1-15.5(a), (b), admission of hearsay evidence is within the judge's discretion, and any hearsay evidence admitted "shall be accorded whatever weight the judge deems appropriate taking into account the nature, character and scope of the evidence, the circumstances of its creation and production, and generally its reliability." Additionally, in order to provide assurances of reliability, "some legally competent evidence must exist to support each ultimate finding of fact[.]"

Here, the record reflects that the Agency placed Petitioner in immediate need motel housing on December 15, 2021. See Initial Decision at 2; see also Exhibit R-1 at 2. The record also reflects that while Petitioner's EA benefits application was still pending, she was asked to leave the motel due to alleged damage to furniture in the motel room. See Initial Decision at 2; see also Exhibit R-1 at 18-19, 22-41. As a result, by notice dated December 20, 2021, the Agency denied EA benefits to Petitioner, effective that same date, and imposing a six-month EA ineligibility penalty, contending that Petitioner had violated motel rules by damaging motel property. See Initial Decision at 2; see also Exhibit R-1 at 13-17, and N.J.A.C. 10:90-6.1(c)(3), -6.3(c)(2). Said denial was based upon an email from the motel owner, advising the Agency that motel rules had allegedly been violated by Petitioner due



to damage to motel property, and that she had been terminated from the motel as a result. See Initial Decision at 2; see also Exhibit R-1 at 18-19. Petitioner disputed said allegations. See Initial Decision at 2-3. The record further reflects that no motel representative, with direct knowledge of the alleged property damage/motel violation, was present at the hearing to attest to the truth of the claims made in that email. Ibid. The ALJ also found that the Agency had not provided any sufficient corroborating documentation to support such allegations. Id. at 3-4; see also Exhibit R-1 at 18-19, and N.J.A.C. 1:1-15.5(a), (b). Accordingly, the ALJ concluded that the Agency had failed to prove by a preponderance of the evidence that Petitioner had violated her immediate need motel placement rules by damaging motel property. See Initial Decision at 3-4. 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. Id. at 4; see also Exhibit R-1 at 13-17. I agree.

By way of 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.

January 27, 2022

Natasha Johnson

Assistant Commissioner

