



## State of New Jersey

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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 **04735-22 M.C.**

AGENCY DKT. NO. **C267158020 (UNION COUNTY DIVISION 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 had violated shelter rules, which resulted in shelter placement terminations. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 15, 2022, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on June 15, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on June 15, 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.

Here, the record reflects that, by notice dated April 20, 2022, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had violated shelter rules and regulations, resulting in her termination from her shelter placements. See Initial Decision at 2-3; see also Exhibit R-1 and N.J.A.C. 10:90-6.3(c). It appears from the record that said termination of Petitioner's EA benefits was based on a "Resident Grievance Report" from one shelter. See Initial Decision at 2; see also Exhibit R-8. However, no one from the shelter placements, nor the roommate who filed the the grievance document against Petitioner, nor anyone from the Agency with direct knowledge of the claimed incidents, were present at the hearing to attest to the truth of those claims. See Initial Decision at 3, 5-6. Petitioner had admitted to an argument with her roommate, but disputed having any knowledge of any alleged shelter rule violations. *Id.* at 3-6. The ALJ found that the roommate grievance document, and the Agency's testimony, were hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record. *Id.* at 4-6; see also N.J.A.C. 1:1-15.5. Additionally, the ALJ found that the Agency had failed to provide any documentation indicating what shelter rules were violated, and at what shelter said violations occurred. See Initial Decision at



6. 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. Ibid. 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. Ibid.; see also Exhibit R-1. 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, as outlined above.

Officially approved final version.

June 22, 2022

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Natasha Johnson

Assistant Commissioner

