



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **02471-22 T.T.**

AGENCY DKT. NO. **C171711020 (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 her termination from said shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 5, 2022, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On April 6, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, by notice dated February 16, 2022, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated shelter rules and regulations, thereby causing her own homelessness. See Initial Decision at 2; see also Exhibit R-1 at 3-6. Said termination was based on a "Termination of Shelter Agreement" sent from a shelter employee to the Agency, claiming that Petitioner had violated shelter rules by "going into unauthorized locations on the floor." See Initial Decision at 2-3; see also Exhibit R-1 at 10. However, no one from the shelter, nor anyone from the Agency with direct knowledge of the incident, was present at the hearing to attest to the truth of those claims. See Initial Decision at 2-3, 5. Petitioner disputed the violation presented in the aforementioned shelter termination document. *Id.* at 3; see also Exhibit R-1 at 10. The ALJ found that the shelter termination document, 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 4-5; 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. See Initial Decision at 5. 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 at Exhibit 3-6. I agree.

Exceptions to the Initial Decision were filed by the Agency on April 8, 2022. Additional Exception documents were submitted by the Agency on April 11, 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, regardless of the ALJ's reversal of the Agency's determination as discussed above, it appears from the record that this is Petitioner's first violation of what would be considered a minor shelter rule, and as such, in accordance with relevant regulatory authority, Petitioner would have been eligible for continued EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(e).

By way of further 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).

Also 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. The Agency is also reminded that documents not presented at the hearing before the ALJ shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

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

Officially approved final version.

April 11, 2022

Natasha Johnson
Assistant Commissioner

