



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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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 **03969-25 J.W.**

AGENCY DKT. NO. **C153966001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

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 refused appropriate shelter offered and failed to comply with shelter rules, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was originally conferenced on May 9, 2025, which led to some confusion regarding whether OAL Docket No. HPW-03969-25 presented a live controversy, as OAL Docket No. HPW-01704-25 was previously heard by the Honorable Kathleen M. Calemme in April 2025, resulting in an Initial Decision issued on April 14, 2025. See Initial Decision at 2. On May 13, 2025 the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 27, 2025 the ALJ issued an Initial Decision, dismissing the matter, without prejudice, pending the Final Agency Decision in OAL Docket No. 01704-25 pursuant to N.J.A.C. 1:1-18.6.

Here, during a twenty-six-day period, the Agency issued two Adverse Action Notices ("AANs"), against Petitioner, both encompassing the same conduct, and both seeking to impose a six-month period of EA ineligibility. See Initial Decision at 1-2. In April 2025, a fair hearing was held as to the first-in-time AAN, however, the Agency utilized the second-in-time AAN, and testimony was provided regarding the conduct alleged in the second AAN. See Initial Decision at 2. Petitioner had initially sought an appeal of an AAN on January 10, 2025, and while that appeal was pending at the OAL, sought a second appeal based upon the Agency's AAN issued on February 5, 2025. Ibid. Following the transmission of both matters to the OAL, on April 14, 2025, ALJ Calemme issued her Initial Decision based upon the February 5, 2025 AAN (filed under OAL Docket No. 03969-25), which included the totality of Petitioner's alleged conduct, and encapsulated the AANs referenced in both OAL dockets. See Initial Decision at 3. At the time of the April 2025 hearing, the Agency presented facts ranging in time from August 13, 2024 through February 7, 2025, utilized the February 5, 2025 AAN, and thus, the Initial Decision of April 14, 2025 drew conclusions as to both AANs. See Initial Decision at 4. Accordingly, the ALJ in the present case concluded that Petitioner is not entitled to an additional hearing based upon the specific circumstances in this matter, as the alleged violation(s), conduct, and penalty were "virtually identical" and the matters were treated as such at the April 2025 hearing, necessitating the dismissal of the current matter as moot. See Initial Decision at 2-6; see also N.J.A.C. 1:1-18.6. I agree. The Initial Decision is modified, however, to reflect that the Final Agency Decision under OAL Docket No. 01704-25 was issued on May 13, 2025, and as such, I find that this matter may now be dismissed with prejudice.

No Exceptions to the Initial Decision were received.



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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 MODIFY the ALJ's Initial Decision, based on the discussion above.

Accordingly, Petitioner's appeal now being deemed moot, the Initial Decision is hereby MODIFIED, and Petitioner's appeal is hereby dismissed with prejudice.

Officially approved final version. June 11, 2025

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Natasha Johnson  
Assistant Commissioner

