



State of New Jersey

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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 **01697-26 D.M.**

AGENCY DKT. NO. **C084669015 (OCEAN COUNTY BOARD 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 he violated the terms of his service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. This matter was initially scheduled for March 6, 2026, at which time a prehearing conference was held and Petitioner requested that the matter be downgraded from an emergent matter and requested a postponement in order to obtain counsel. The adjournment request was granted and the matter was rescheduled. On April 17, 2026, the Honorable Susan McCabe, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 5, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

Here, the record reflects that the Agency terminated Petitioner's EA benefits, contending that Petitioner had violated the terms of his SP, claiming that Petitioner had behaved in threatening and disruptive behavior at his shelter placement. See Initial Decision at 2-3; see also Exhibits R-2, R-3, R-5, and N.J.A.C. 10:90-6.1, -6.3, -6.6. At the time of the hearing, the ALJ found that neither motel manager, nor anyone with firsthand knowledge of the allegations against Petitioner regarding the violations of his SP or shelter rules, nor anyone from the Agency with direct knowledge of the alleged violations, was present at the hearing to attest to the truth of the alleged violations. See Initial Decision at 2-5; see also N.J.A.C. 1:1-15.5(b). Further, the ALJ noted that the only evidence offered by the Agency were the hearsay statements of the Agency representative. Ibid. Accordingly, the ALJ concluded that the Agency had failed to meet its burden of proof to show, by a preponderance of the credible evidence, that Petitioner had violated the terms of his shelter rules or SP. See Initial Decision at 4. Accordingly, 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-5. 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. May 20, 2026

Natasha Johnson
Assistant Commissioner

