



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*  
Tel. (609) 588-2400

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 10932-15 I.C.

AGENCY DKT. NO. GA563873 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals the Respondent Agency's imposition of a six-month penalty precluding her from receiving Emergency Assistance ("EA") benefits due to her alleged misconduct and subsequent removal from a previous shelter. The Agency denied Petitioner's EA application and imposed a six-month penalty; however, Petitioner only appeals the imposition of the six-month penalty and does not contest the denial of EA. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 10, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On the same day, the ALJ issued an Initial Decision modifying the Agency determination. The ALJ noted that the Agency was unable to provide evidence that a six-month exclusion penalty should apply to the factual circumstances contained in the record. See Initial Decision at 2. The Agency merely stated Petitioner was discharged from the shelter due to misconduct, but failed to identify a specific act, or provide any further details. *Ibid.* Therefore, I agree with the ALJ that the Agency failed to meet their burden of proof in this matter, and Petitioner should not be precluded from receiving EA benefits for six-month period.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and I hereby ADOPT the Findings of Fact and Conclusions of Law in this matter.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action is hereby MODIFIED.

**AUG 19 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director