



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 1379-15 M.B.

AGENCY DKT. NO. GA356760 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of shelter placement, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits because, purportedly, he failed to comply with shelter rules, was evicted, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 13, 2015, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents

On April 2, 2015, the ALJ issued her Initial Decision, which reversed the Agency's termination of EA benefits, and the imposition of a six-month penalty. See Initial Decision at 7. The ALJ found that the evidence provided by the Agency as proof that Petitioner had violated his shelter's rules, was hearsay, and therefore not admissible. See *id.* at 5-6. Specifically, the ALJ found, the shelter's termination notices and reports detailing Petitioner's alleged infraction, which Petitioner denied, fall short of the type of evidence needed to sustain the Agency's burden of proof. See *id.* at 6; see also Exhibit R-1 at 7, 8, 9, 16. Additionally, the ALJ recommended that Petitioner be assessed, further, to determine if any barriers exist that would prevent him from planning for or securing substitute housing, in accordance with N.J.A.C. 10:90-6.1(1)(1)(ii). See Initial Decision at 6.

Exceptions to the Initial Decision were filed by the Agency on April 14, 2015.

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As the Director of the 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 Initial Decision and hereby ADOPT the Findings of Fact and Conclusions of Law in this matter, and REVERSE the Agency's determination.

Additionally, I ORDER the Agency to verify Petitioner's compliance with the Substance Abuse Initiative ("SAI") and the comprehensive social assessment on March 19, 2015. The Agency is further directed to update Petitioner's service plan to address potential barriers as a result of those assessments. Petitioner is hereby reminded that he is to remain compliant with his service plan and the rules of the shelter in order to maintain EA eligibility.

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 ADOPTED, and the Agency's action is REVERSED.

Signed Copy on File

at DFD, BARA

MAY 21 2015

Natasha Johnson
Director