



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director
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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 19259-15 N.Y.

AGENCY DKT. NO. C346359 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits and imposed a six-month EA penalty contending that he was terminated from subsidized housing assistance due to criminal activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 8, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 8, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on December 15, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-6.1(c)(3)(iii), if an EA applicant has been evicted from subsidized housing because of criminal activity, they are precluded from receiving EA benefits for a period of six months.

Page 2

Here, the record shows that Petitioner was not just simply evicted from Section 8 housing, but was terminated from receiving Section 8 subsidized housing assistance altogether, due to criminal activity. See Initial Decision at 3; see also R-1 at 4. Accordingly, the ALJ found that the Agency properly denied Petitioner EA benefits, and properly imposed a six-month EA penalty. Id. at 4. I agree.

Additionally, I find that the Initial Decision ("ID"), of an Independent Hearing Officer, upholding the Housing Authority's termination of Petitioner's subsidized housing assistance due to his criminal activity, is not hearsay, as Petitioner contends. Id. at 3. Rather, I find that the ID is an exception to the hearsay rule not dependent on the declarant's availability under N.J. R. Evid. 803(c)(8) (public records, reports, and findings), and therefore admissible into evidence. Furthermore, I agree with the ALJ that any challenge to the legitimacy of that finding is not within this Agency's purview.

By way of comment, I have reviewed Petitioner'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 AFFIRMED.

Signed Copy on File
at DFD, BARA

DEC 17 2015

Natasha Johnson
Director