



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development

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Chris Christie  
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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 3209-15 S.K.

AGENCY DKT. NO. GA119160 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated the Petitioner's EA because he purportedly failed to comply with shelter rules and thus, failed to comply with his service plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 24, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 27, 2015, the ALJ issued an Initial Decision reversing the Agency determination.

Neither party filed Exceptions to the Initial Decision.

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

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve the emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of, and complying with, a service plan. *Ibid.* If a recipient fails to comply with the service plan, then the recipient is ineligible for EA benefits for a period of six months. *Ibid.*

Page 2

Here, the Petitioner was previously residing in the Aletha R. Wright "Vision of Hope" Center ("Shelter") in Camden, but was evicted due to an allegation of smoking in the bathroom of the facility on February 16-17, 2015. Ibid. The Shelter Rules outline the center is a "No Smoking" facility, and that anyone found smoking inside the facility would be immediately discharged. See Exhibit R-1 at 20 and 21. The ALJ concluded the Agency failed "to present any competent proof whatsoever that Petitioner was smoking in the bathroom." See Initial Decision at 4.

I agree. Petitioner firmly testified that he did not smoke at the facility; a claim that was not refuted by the Agency at the hearing. Ibid. In the absence of additional information, the Agency has failed to meet its burden to prove Petitioner was in violation of the Shelter Rules and his Service Plan. Therefore, Petitioner shall be allowed to return to the shelter as he has only used six-months of his EA lifetime limit. See Exhibit R-1 at 26.

Based upon the foregoing, I hereby ADOPT the Initial Decision of the ALJ and REVERSE the Agency's determination in this matter.

**MAY 22 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director