



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **09054-24 J.S.**

AGENCY DKT. NO. **C787499007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 Petitioner failed to appear at his shelter placement on two separate occasions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On July 8, 2024, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 9, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, on the basis that he had failed to appear at his shelter placement on two separate occasions, thereby causing his own emergent situation. See Initial Decision at 2-3, 5-6; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3). The record also reflects that the Agency relied upon a phone call with, and an email with attached "no show" letters from, shelter personnel as the basis for its denial. See Initial Decision at 5-6; see also Exhibits R-4, R-10. However, the ALJ found that the Agency's testimony was hearsay, as no one from the shelter placement, nor anyone from the Agency, with direct knowledge of the alleged failures to appear, were present at the hearing to attest to the truth of the matter, and no corroborating documentary evidence was provided. See Initial Decision at 7-11; see also N.J.A.C. 1:1-15.5. Further, the ALJ found Petitioner credible when he testified that he had appeared at the shelter placement on both scheduled dates for placement, but was advised by shelter staff on both those dates that there were no beds available. See Initial Decision at 3-7, 9-11; see also Exhibit P-1. The ALJ also found Petitioner credible when he testified that he had no issue with being placed at that shelter, and would accept such placement if offered again by the Agency. See Initial Decision at 4, 10. Based on the foregoing, the ALJ found that the Agency had failed to meet its burden of proof to show, by a preponderance of the credible evidence, that Petitioner had failed to appear at his shelter placement on the dates scheduled for such placement. See Initial Decision at 10-11. Based on the testimony and evidence presented, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. *Id.* at 11; see also Exhibit R-2. I agree. Of note, it had been stipulated at the hearing that, but for Petitioner's alleged failures to appear at his shelter placement, Petitioner is otherwise eligible for EA benefits. See Initial Decision 8.

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. July 18, 2024

Natasha Johnson
Assistant Commissioner

