



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 07718-18 P.G.

AGENCY DKT. NO. C049447021 (WARREN CO. DIV TEMP ASST & SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that Petitioner caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 7, 2018, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 7, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, The Agency determined that Petitioner caused his own homelessness, and denied him EA benefits, based on a telephone conversation it had with Petitioner's sister wherein she allegedly stated that Petitioner was asked to leave the home he shared with her and their father because he had stolen money from them. See Initial Decision at 2-3; see also Exhibit R-1 at 1, 6-10, and N.J.A.C. 10:90-6.1(c)(3)(vi). The Agency also based its determination on case notes written by an Agency caseworker who claimed that Petitioner admitted to her that he had taken his sister's debit card once or twice without permission. See Initial Decision at 3; see also Exhibit R-2. Neither Petitioner's sister, nor the Agency caseworker, appeared at the hearing. See Initial Decision at 3. Petitioner denied such Agency claims, but rather, testified that he was asked to leave his father's home because he had become a financial burden to him. See Initial Decision at 2-3.

The ALJ found that Petitioner's sister's statements to the Agency, and the Agency worker's case notes, which were written three weeks after the alleged conversation with Petitioner had taken place, are hearsay statements unsubstantiated by any legally competent evidence, and as such, those statements do not support the Agency's claim that Petitioner caused his own homelessness. *Id.* at 4-5; see also Exhibits R-1 at 1, R-2, and N.J.A.C. 1:1-15.5(b). Accordingly, the ALJ concluded that the Agency failed to demonstrate that Petitioner caused his own homelessness, and therefore, the Agency's denial of EA benefits, on that basis, was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-1 at 6-10, and N.J.A.C. 1:1-15.5. I agree.

Exceptions to the Initial Decision filed by the Agency on June 8, 2018.

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 final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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. The Agency is also reminded that evidence not presented at the hearing for consideration by the ALJ shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).



Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

JUN 20 2018

Natasha Johnson

Director

