



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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*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 07961-21 C.B.

AGENCY DKT. NO. C061092020 (UNION COUNTY DIVISION OF SOC. SVCS.)

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 he was terminated from his hotel placement due to his violation of hotel/motel/shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 27, 2021, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 28, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that by notice dated August 5, 2021, the Agency terminated Petitioner's EA benefits, effective September 3, 2021, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated hotel/motel/shelter rules, which resulted in his termination from his hotel placement, thereby causing his own homelessness. See Initial Decision at 2; see also Exhibit R-1 at 1, 3-10, and N.J.A.C. 10:90-6.1(c)(3). Said termination of Petitioner's EA benefits was based upon two emails from a hotel staff member and a phone call with the hotel owner, advising the Agency that certain hotel rules had allegedly been violated by Petitioner, resulting in his termination from that hotel. See Initial Decision at 2-3; see also Exhibit R-1 at 3, 4. However, no one from the hotel, nor anyone from the Agency with direct knowledge of the alleged violations, was present at the hearing to attest to the truth of the claims made in those communications. See Initial Decision at 5-6. Petitioner denied the hotel violation allegations. *Id.* at 3-4. The ALJ found the Agency's testimony biased, as it had chosen to believe the hotel allegations stated in the emails, despite Petitioner's denial, and had failed to investigate such allegations. *Id.* at 4-5. Conversely, the ALJ found Petitioner's testimony, denying any such violations, credible. *Ibid.* Accordingly, the ALJ found that the hotel communications and the Agency's testimony were hearsay within the dictates of the Residuum Rule, not supported by credible competent evidence in the record. *Id.* at 5-6; see also N.J.A.C. 1:1-15.5(a), (b). As such, the ALJ concluded that the Agency had failed to meet its burden of proof to show, by a preponderance of the evidence, that Petitioner had violated hotel/motel/shelter rules. See Initial Decision at 6. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. *Id.* at 6-7; see also Exhibit R-1 at 5-9. I agree.



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.

**OCT - 5 2021**

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Natasha Johnson  
Assistant Commissioner

