



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 05986-21 M.J.

AGENCY DKT. NO. C089132020 (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 Petitioner had violated motel/shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 6, 2021, the Honorable JoAnn Lasala Candido, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 9, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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

The rules of evidence are relaxed and hearsay is admissible in matters before the OAL, but "some legally competent evidence must exist to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness." N.J.A.C. 1:1-15.5(b).

Here, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had been terminated from two or more motels/shelters for violating motel/shelter rules by having unauthorized guests stay in his room, and for engaging in disruptive behavior at his most recent motel placement. See Initial Decision at 2; see also Exhibit R-1 at 4, 16. Petitioner testified, denying the Agency's allegations. See Initial Decision at 2. The ALJ found Petitioner's testimony credible, and further found that the Agency had failed to provide any competent testimony or evidence from any motel/shelter employee to corroborate its allegations of such motel/shelter rule violations. Ibid.; see also Exhibit R-1 at 8-9, 15-23. 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. See Initial Decision at 2-3; see also Exhibit R-1 at 3-7, and N.J.A.C. 1:1-15.5. I agree.



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

Officially approved final version.

SEP 16 2021

Natasha Johnson

Assistant Commissioner

