



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

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 **07495-24 C.W.**

AGENCY DKT. NO. **C041659021 (WARREN CO. DIV TEMP ASST & 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 rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On June 6, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 10, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on June 10, 2024.

As Assistant Commissioner, Division of Family Development ("DFD"), 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.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents, or a violation of the shelter's health and safety policies. See N.J.A.C. 10:90-6.3(c)(3) and -6.3(c)(5). However, N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for other, less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e)(i), (iii); see also DFD Instruction 08-5-4 at 10. An adult EA benefits recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e)(1).

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 his motel placement for violating motel rules by having an unauthorized guest stay in his room. See Initial Decision at 2-3; see also Exhibit R-1 at Attachments 1, 3, 4; and N.J.A.C. 10:90-6.3(e)(1) (iii). Petitioner testified denying the Agency's allegation that he had an unauthorized guest stay in his room. See Initial Decision at 2. The ALJ found Petitioner's testimony credible, found that the testimony of the witness appearing on behalf of Petitioner was credible and corroborated the facts testified to by Petitioner. *Ibid.* Further, the ALJ found that the Agency had failed to provide any competent testimony or evidence from any motel employee to corroborate its allegations of



such motel rule violation, and as such, failed to meet its burden of proof required to establish the validity of its termination of Petitioner's EA benefits. Id. at 3; see also Exhibit R-1 at Attachment 3, 4, and N.J.A.C. 1:1-15.5. Moreover, in order for the Agency to rely on N.J.A.C. 10:90-6.3(e)(1)(iii) as its basis for the termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, the Agency must provide the court with competent testimony and documentary evidence of at least one other less severe, minor violation, having occurred at another separate motel/shelter placement, which it failed to do. Rather, the Agency seems to rely on additional hearsay, also not supported by any legally competent evidence. See Exhibit R-1 at Attachment 11; see also N.J.A.C. 1:1-15.5(b). Based on the testimony and evidence provided, 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 3-4; see also Exhibit R-1 at Attachment 1. Based on an independent review of the record, I agree, as I find that the Agency did not meet its burden of proof in this case.

By way of comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. June 18, 2024

---

Natasha Johnson  
Assistant Commissioner

