



## State of New Jersey

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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

AMENDED DECISION

OAL DKT. NO. HPW **09761-24 E.P.**

AGENCY DKT. NO. **C096033018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

On August 29, 2024, a Final Agency Decision ("FAD") was issued in this matter. This Amended FAD is being issued to correct an administrative error that occurred with the incorrect decision text appearing in the originally issued FAD. The administrative error has been corrected, and this Amended FAD hereby supersedes and replaces the previously issued FAD.

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 failed to comply with the rules of the rooming house where he was residing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 6, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents and the record was closed. On August 7, 2024, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

The rules of evidence are relaxed and hearsay is admissible in 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." See N.J.A.C. 1:1-15.5(b).

Here, the record reflects that the Agency terminated Petitioner's EA benefits on the basis that he had violated the rules of the rooming house where he was living, resulting in his termination from the placement. See Initial Decision at 2-3; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(c)(5). The record also reflects that the Agency relied upon a termination notice/notice to cease and desist and text messages submitted by the rooming house owner as the basis for its termination. Ibid. However, the ALJ found that there was no testimony provided regarding the rooming home rules that were broken, nor when they were broken, as only photocopies of some text messages were produced by the Agency and no testimony or corroborating evidence was provided. See Initial Decision at 2; see also N.J.A.C. 1:1-15.5(b).

Further, the ALJ found Petitioner credible when he testified that he had not smoked in this room, or ever sold any drugs as alleged, and that while he had guests, he followed the time limit rules for any visits. See Initial Decision at 3. In addition,



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the Agency provided testimony that Petitioner is in compliance with his social service plan requiring mental health counseling. Id. at 2.

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 violated shelter rules. Id. at 2-4; see also N.J.A.C. 1:1-15.5(b). Accordingly, the ALJ concluded that Petitioner had not violated shelter/placement rules, and therefore, the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month period of ineligibility for EA benefits, were improper and must be reversed. Ibid.; see also Exhibit R-1. While I agree with the ALJ's ultimate conclusion in this matter, it should be noted that in instances such as this, where a violation of shelter rules is at issue, it is the type of violation set forth at N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e) which is controlling, and not the regulatory authority set forth at N.J.A.C. 10:90-6.1(c)(3), regarding causing of one's own homelessness. See Initial Decision at 3-4. The ALJ's Initial Decision is therefore modified to correct the applicable legal basis in this case. Ibid.

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

Officially approved final version. September 06, 2024

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Natasha Johnson  
Assistant Commissioner

