



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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

FINAL DECISION

OAL DKT. NO. HPW **05827-24 R.M.**

AGENCY DKT. NO. **S541660012 (MIDDLESEX COUNTY BD. 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 failed to comply with his EA service plan ("SP") and violated rooming house rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 28, 2024, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for post hearing submissions by the parties, and then closed on June 10, 2024, upon receipt of same.

On June 27, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-16. Specifically, the ALJ found that Petitioner had provided the Agency with all required mental health compliance documents in accordance with the terms of his SP, and that Petitioner had shown good cause for having failed to attend his scheduled case review call with an Agency caseworker. See Initial Decision at 3, 8, 10-11, 14; see also Exhibits P-1, P-2, P-3, P-5, R-3, R-4, R-6. Further, the ALJ found that the Agency had not disputed Petitioner's claim that he had made several unsuccessful attempts to contacting the Agency for his scheduled case review, nor did it introduce any testimony or an affidavit from the subject caseworker to support its allegations. See Initial Decision at 8, 10-11; see also Exhibit P-2. Based on the foregoing, the ALJ concluded that the Agency had not proven, by a preponderance of the credible evidence, that Petitioner had violated the terms of his SP. See Initial Decision at 14. Accordingly, the ALJ further concluded that the Agency's termination of Petitioner's EA benefits, and imposition of a six-month EA ineligibility penalty on that basis, was improper and must be reversed. See Initial Decision at 14, 16; see also Exhibit R-10, and N.J.A.C. 10:90-6.6(a). I agree.

Additionally, the ALJ found that Petitioner had violated the rules of his rooming house placement when he engaged in threatening and/or disruptive behavior toward rooming house residents and staff, resulting in his termination of his rooming house placement, and consequent homelessness. See Initial Decision at 3-15; see also Exhibits R-7, R-8, R-9, R-11, and N.J.A.C. 10:90-6.3(c)(3). Nevertheless, the ALJ found that Petitioner's failure to comply with rooming house rules stemmed from his mental health and substance abuse issues, that the Agency had notice of such issues, and that the Agency had failed to prove that it had considered Petitioner's mental health and substance abuse barriers prior to its termination of his EA benefits, as required by regulatory authority. See Initial Decision at 2, 6, 12-16; see also Exhibits P-1, P-3, R-9, R-13, and N.J.A.C. 10:90-6.3(g). The record also reflects that Petitioner had admitted to having substance abuse issues. See Initial Decision at 7. 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 9; see also Exhibit R-2 at 3. I also 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.

By way of comment, Petitioner is advised that any future violation of motel/shelter rules, or violation of his SP, may result in the termination of EA benefits, and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.3(c), (e), -6.6(a).

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

Officially approved final version. August 08, 2024

Natasha Johnson
Assistant Commissioner

