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NATASHA JOHNSON
Director

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 05492-18 M.G.

AGENCY DKT. NO. C296732004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she failed to comply with her EA service plan ("SP") by violating shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 24, 2018, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow for the submission of supplemental documentation. No documents were forthcoming, and the record then closed on May 31, 2018.

On June 20, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's EA benefits for failure to comply with the terms of her SP, based on communications from shelter placement personnel claiming violations of the shelter's rules, which resulted in Petitioner's termination from two shelter placements. See Initial Decision at 2; see also Exhibit R-1 at 6-8, and N.J.A.C. 10:90-6.6(a). However, no one from the shelters were present at the hearing to attest to the truth of those claims, and Petitioner disputed the violations presented in the shelter communications, admitting only that she had been late one night at the second shelter placement, that she had good cause for being late, and that she had informed the shelter. See Initial Decision at 2-3; see also "Incident Report." The ALJ found Petitioner's testimony credible, and that the shelter communications were hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record, and as such, concluded that the Agency failed to meet its burden of proof to show, by a preponderance of the evidence, that Petitioner failed to comply with her SP and shelter rules. See Initial Decision at 3-4; see also Exhibit R-1 at 6-8, and N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1 at 2-5, and N.J.A.C. -6.6(a). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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 her SP, or ejection from an Agency placement, may result in the termination of EA benefits and the imposition of a six-month period of ineligibility for receipt of EA benefits. 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.

Officially approved final version.

M - 5 2018

Natasha Johnson

Director

