



State of New Jersey

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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 01194-18 Y.P.

AGENCY DKT. NO. C077710011 (MERCER 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 voluntarily left her shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 20, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 6, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner's application for EA was denied for refusing adequate emergency shelter/housing. See Initial Decision at 6; see also Exhibit R-1 at 2. However, the ALJ found that the Agency failed to provide legally competent evidence to prove that Petitioner had voluntarily left her shelter placement. See Initial Decision at 10; see also N.J.A.C. 10:90-6.1(c)(3). Further, the ALJ found that the shelter supervisor's statement, upon which the Agency relied, was hearsay, unsupported by any legally competent evidence in the record. See Initial Decision at 9; see also Exhibit R-2, and N.J.A.C. 1:1-15.5(b). Based on the foregoing, the ALJ found that the Agency had failed to prove that Petitioner voluntarily left her shelter placement. See Initial Decision at 12; see also N.J.A.C. 10:90-6.1(c)(3). As such, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 12; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3), -6.3(c)(3). 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.

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

Officially approved final version.

APR 09 2018

Natasha Johnson
Director



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