



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 08654-19 A.Z.

AGENCY DKT. NO. S476981014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

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 benefits ineligibility penalty, contending that he failed to comply with his EA service plan ("SP") by violating motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 2, 2019, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on July 2, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's EA benefits, and imposed the six-month EA benefits ineligibility penalty, for purportedly failing to comply with the terms of his SP by being ejected from three motel placements for disruptive behavior. See Initial Decision at 2-4; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-6.3(c)(3), -6.6(a). The Agency based the termination of EA benefits on a handwritten letter from a motel's staff member claiming, among other things, that Petitioner was often intoxicated, and that his behavior was disruptive and destructive, as well as on two phone conversations and an email from another motel's manager, claiming that Petitioner was dangerous to their night-staff and that he had destroyed motel property. See Initial Decision at 2-4; see also Exhibits R-4, R-9. However, no witnesses were presented at the hearing to attest to the truth of those claims, and Petitioner disputed the violations presented in the motel communications, and further denied that he was asked to leave those motel placements due to his own behavior. See Initial Decision at 4-5. The ALJ found that the motel communications were unsubstantiated hearsay within the dictates of the Residuum Rule, not supported by credible evidence in the record, and as such, concluded that the Agency had failed to meet its burden of proof to show, by a preponderance of the evidence, that Petitioner had failed to comply with his SP and motel rules. See Initial Decision at 4-6; see also Exhibits R-4, R-9, 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, and the imposition of a six-month EA benefits ineligibility penalty, were improper and must be reversed. See Initial Decision at 4, 6; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3) (ix), -6.3(c)(3), -6.6(a). I agree.



Exceptions to the Initial Decision were filed by the Agency on July 3, 2019.

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 and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, I have reviewed the Agency's Exceptions, and I 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.

JUL - 9 2019

Natasha Johnson

Director

