



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **00717-25 K.K.**

AGENCY DKT. NO. **C099170015 (OCEAN COUNTY BOARD 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 she violated the terms of her lease leading to her eviction, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 16, 2025, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 16, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency terminated Petitioner's EA benefits, contending that Petitioner had violated the terms of her lease, which led to her eviction, thereby causing her own homelessness. See Initial Decision at 2; see also Exhibits R-1 through R-11, R-13, R-14, R-15, and N.J.A.C. 10:90-6.1(c)(3). On October 9, 2024, the Agency was made aware that a Demand for Possession, Notice to Cease, and Notice to Quit were issued by Petitioner's landlord alleging Petitioner breached her lease by permitting a pet in her rental unit, smoking in her rental unit, allowing guests to reside in her unit, and causing excessive noise. See Initial Decision at 2; see also Exhibit R-3. The following day, Petitioner's landlord filed a summons and complaint in the landlord tenant court. See Initial Decision at 2; see also Exhibit R-4. Petitioner appeared in court for the landlord tenant matter on December 4, 2024, and entered into an agreement with her landlord whereby she would vacate her unit by January 1, 2025, as well as signing a Consent to Enter Judgment. See Initial Decision at 2; see also Exhibit R-7. Petitioner emailed the Agency on December 23, 2024, advising she needed to vacate her apartment by January 1, 2025, and inquiring as to how her rental assistance could be switched to a different landlord. See Initial Decision at 2; see also Exhibit R-9. On January 1, 2025, Petitioner had not vacated her rental unit and her landlord filed a warrant of removal on January 3, 2024. See Initial Decision at 3; see also Exhibit R-10. The Agency notified Petitioner, via letter of January 2, 2025, that her EA benefits would be terminated effective February 2, 2025, due to her several violations of the terms of her lease, which resulted in her eviction. See Initial Decision at 3; see also Exhibit R-1. However, Petitioner testified at the hearing that she had never violated any of her lease terms, as alleged by her landlord, and that she had filed an Order to Show Cause against her landlord as of January 13, 2025, seeking to set aside the Judgment of Possession, alleging that her landlord's claims against her are fraudulent. See Initial Decision at 3-4; see also Exhibits P-1, R-13.

Nevertheless, the ALJ found that neither Petitioner's landlord, nor anyone with firsthand knowledge of the allegations against Petitioner regarding the violations of her lease terms, nor anyone from the Agency with direct knowledge of the alleged violations, was present at the hearing to attest to the truth of the violations alleged in the court documents, or the Agency's adverse action notice. See Initial Decision at 4-6; see also N.J.A.C. 1:1-15.5(b). Further, the ALJ found



Petitioner's rebuttal testimony to be credible. See Initial Decision at 3-4. Accordingly, the ALJ concluded that the Agency had failed to meet its burden of proof to show, by a preponderance of the credible evidence, that Petitioner had caused her own homelessness. Id. at 5-6. Accordingly, 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. Ibid.; see also Exhibit R-1. I 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.

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

Officially approved final version.

January 29, 2025

Natasha Johnson

Assistant Commissioner

