



State of New Jersey

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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 **04715-25 S.M.**

AGENCY DKT. NO. **C401342004 (CAMDEN-CCBSS)**

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 her service plan ("SP") by failing to keep her room clean and engaging in verbally abusive behavior towards motel staff. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 18, 2025, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until the following day to allow for the receipt of additional documentation, which was not received, and the record then closed. On March 19, 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 SP, claiming that Petitioner did not keep her room clean and that she engaged in verbally abusive behavior towards motel staff. See Initial Decision at 2; see also Exhibit R-1 at 6, and N.J.A.C. 10:90-6.1, -6.6. Petitioner applied for EA benefits on November 6, 2024, and was originally placed at a shelter on that date, however, when Petitioner arrived at the shelter, she twice refused to stay there and twice requested emergency medical services to be transported to a hospital which led to the shelter issuing an early termination letter and incident report on November 7, 2024. See Initial Decision at 2; see also Exhibit R-1 at 11-15. On December 4, 2024, Petitioner returned to the Agency requesting a placement and was placed at a motel. See Initial Decision at 2. On that same date, Petitioner signed an SP which outlined her responsibilities including that she must comply with all motel rules and regulations and enumerated that she not be disrespectful or physically/verbally aggressive with motel staff. *Ibid.*; see also Exhibit R-1 at 7-10. Petitioner also agreed, within the SP, to continue receiving counselling with a behavioral health program. See Initial Decision at 2. Thereafter, Petitioner resided at the motel without incident or any further communication from the motel to the Agency until an unsigned email was received by the Agency on February 10, 2025, advising that the motel was terminating Petitioner's stay. *Id.* at 3; see also Exhibit R-1 at 6. The Agency issued a termination letter to Petitioner on February 11, 2025 and then provided Petitioner with additional housing for thirty days at another motel. See Initial Decision at 3; see also Exhibit R-1 at 2. The Agency further imposed a six-month disqualification from EA benefits stating that she had twice violated her SP by refusing to stay at the shelter during November 2024, and by being terminated from her stay at the motel during February 2025 due to SP violations. See Initial Decision at 3.

At the time of the hearing, the ALJ found that the motel employee who testified was unable to remember exact dates or exactly what Petitioner said to her, beyond some statements being "rude". See Initial Decision at 3. Further, the motel employee was unable to present the signed rules presented to guests or any notes and photographs regarding the alleged uncleanliness of Petitioner's room. See Initial Decision at 4. While the motel employee testified that the



termination of a guest would likely be from a manager, it was unclear who was responsible for the email from the motel to the Agency which led to Petitioner's termination. Ibid. The employee further testified that neither she, nor any management or motel staff, were aware of Petitioner's mental health issues. Ibid. Further, no one from the Agency with direct knowledge of the alleged violations was present at the hearing to attest to the truth of the alleged violations. See Initial Decision at 7; see also N.J.A.C. 1:1-15.5(b) (stating that the rules of evidence are relaxed and hearsay is admissible in the OAL, but "some legally competent evidence must exist to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness").

Petitioner's therapist, who is actively treating Petitioner, did provide testimony at the hearing including reasons why it would not be beneficial for Petitioner to be placed within a shelter. See Initial Decision at 4. Further, she testified that the outbursts mentioned are part of what Petitioner is working on in therapy, among other mental health diagnosis which may affect her behavior such as psychosis, delusions, and impulse control. Ibid. Petitioner's therapist noted that Petitioner had discussed, in their sessions, harassment by the motel staff and described feeling consistently targeted and harassed. Ibid. Her therapist concluded that Petitioner's mental health diagnoses do not interfere with her ability to follow motel rules, however, that those interacting with Petitioner would benefit from being aware of Petitioner's mental health issues, which did not appear to be the case in this matter. Id. at 5. Additionally, the ALJ found Petitioner's rebuttal testimony to be credible and noted that the only evidence offered by the Agency was the hearsay statement of the motel employee. Id. at 5-7. 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 violated the terms of her shelter rules or service plan. Id. at 9; see also N.J.A.C. 1:1-15.5(b). 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.

Exceptions to the Initial Decision were filed by the Agency on March 20, 2025.

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, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, in instances such as this, where violations of motel/shelter rules are at issue, it is the type of motel/shelter rule violation which is controlling, not that Petitioner had caused her own homeless pursuant to N.J.A.C. 10:90-6.1(c)(3), nor violated the terms of any EA service plan pursuant to N.J.A.C. 10:90-6.6(a). See N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e).

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

Officially approved final version. March 26, 2025

Natasha Johnson
Assistant Commissioner

