



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director

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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 9300-14 B.B.

AGENCY DKT. NO. C113565 (MERCER COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") and imposition of a 6-month penalty. The Agency terminated the Petitioner's EA and imposed a 6-month penalty because Petitioner failed to take reasonable steps to resolve her emergent situation and because she was evicted from her shelter placement for possession of alcohol on the premises. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 26, 2014, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On September 15, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and Conclusions of Law contained in the Initial Decision.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families, Medicaid and Supplemental Nutrition Assistance Program, f/k/a the Food Stamp Program, benefits.

The record for the present matter shows that the Petitioner denied the consumption of alcohol on the premises. Moreover, the Agency failed to demonstrate, through

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either testimonial or documentary evidence, that there was alcohol on the shelter premises, that the Petitioner consumed alcohol on the premises, or that the Petitioner contributed towards others consuming alcohol on the premises. As such, I agree with the ALJ that the Agency failed to prove its case by a preponderance of the credible evidence.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

Signed Copy on File
at DFD, BARA

NOV 07 2014

Jeanette Page-Hawkins
Director