



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 11228-15 T.F.

AGENCY DKT. NO. C102875 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because, purportedly, she was evicted from her shelter placement due to misconduct, thereby, causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 4, 2015, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On August 4, 2015, the ALJ issued his Initial Decision, reversing the Agency's determination. In support of its contention that Petitioner had been evicted from her motel placement due to her misconduct, the Agency submitted a letter from an employee at the motel where Petitioner was residing. See Initial Decision at 2. No one from the motel appeared at the hearing to testify. *Ibid.* The ALJ concluded that the letter, documenting Petitioner's, alleged misconduct and consequent eviction from the motel, did not constitute competent evidence under the Residuum Rule, N.J.A.C. 1:1-15.5(b), and therefore, it could not be found to form the basis for the Agency's termination of Petitioner's EA benefits. See Initial Decision at 3. Particularly, when Petitioner credibly rebutted the misconduct alleged in the motel employee's letter. *Id.* at 4, 5. Based on the foregoing, the ALJ found that the Agency improperly terminated Petitioner's EA benefits.

No Exceptions to this Initial Decision were filed.

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 in this matter.

By way of comment, the fair hearing transmittal sheet indicates that Petitioner was also appealing a sanction imposed by the Agency on her Work First New Jersey cash benefits. However, as this issue was not addressed in the Initial Decision, I have not addressed it here. I note, also, that there is nothing in the record to indicate that she would be ineligible for EA benefits due to a sanction. However, if Petitioner still has an issue concerning the sanction, she may, without prejudice, request another fair hearing on the matter.

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

Signed Copy on File
at DFD, BARA

AUG 19 2015

Natasha Johnson
Director