



## State of New Jersey

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*Governor*

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

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 16975-19 B.P.

AGENCY DKT. NO. C630326007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges the correctness of Respondent Agency's shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was scheduled for December 6, 2019, before the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"). On December 6, 2019, the ALJ issued an Initial Decision, dismissing Petitioner's appeal.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's shelter placement determination.

The record in this matter reflects that, on December 6, 2019, Petitioner and the Agency's representative appeared for the scheduled hearing, but before the case was heard, a prehearing conference was held with the ALJ. See Initial Decision at 2. At that prehearing conference, both the Agency and Petitioner confirmed that there was no adverse action pending against Petitioner at that time. Ibid. Nevertheless, Petitioner was before the court seeking advice from the ALJ on his request for alternate placement at a hotel or Temporary Rental Assistance due to claimed safety issues at his current shelter placement. Ibid. The Agency claimed that it had no knowledge of Petitioner's safety issue concerns. Ibid. After the ALJ informed Petitioner that legal advice could not be provided, Petitioner became agitated, left the hearing room, and verbally uttered that he was abandoning the hearing. Ibid. As a result, the ALJ found that Petitioner had abandoned the hearing, and dismissed the case. Ibid.

By way of comment, Petitioner is advised that any safety concerns, regarding a particular Agency housing placement, should be directed to the Agency's EA benefits department. Petitioner is further advised that the Agency shall determine the appropriate form of EA benefits required to address his housing needs, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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



Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

DEC 13 2018

