



## 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  
*Director*

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 09794-19 D.W.

AGENCY DKT. NO. C497825007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner challenges the appropriateness of the Respondent Agency's choice of shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 24, 2019, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 25, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner was discharged from a domestic violence ("DV") shelter due to "disorderly conduct." See Initial Decision at 3-4; see also Exhibits R-3 at 1-12 and R-4. Of note, Petitioner was placed at that DV shelter by the Agency upon Petitioner's self-disclosure that she was the victim of DV, and was then referred for a DV risk assessment. See Initial Decision at 2; see also Exhibits R-4, R-5. As it was determined that Petitioner was at "Low/No Risk" of safety issues from domestic violence, she did not meet the criterion for a DV placement. *Ibid.* After Petitioner's discharge from the first shelter, the Agency offered Petitioner a second shelter placement. See Initial Decision at 1-2. Petitioner refused the second shelter placement because it was not a designated DV shelter, claiming that she required placement in a DV shelter. *Ibid.* This appeal followed.

At the time of the hearing, Petitioner also claimed that she was erroneously discharged from the first shelter. See Initial Decision at 2. Petitioner appealed to the ALJ to find that she had not engaged in "disorderly conduct," and to order the first shelter to rescind its decision to discharge her, or, in the alternative, to order the shelter to return any unused money that Petitioner had paid in rental fees. See Initial Decision at 2; see also Exhibits P-1 through P-5. Based on the record presented, the ALJ found that Petitioner had engaged in "disorderly conduct," and that she was properly discharged from the first shelter. See Initial Decision at 3, 5; see also Exhibit R-3 at 1-12. Regarding the other issues raised by Petitioner, the ALJ found that the court lacked jurisdiction to address those issues, and as such, denied Petitioner's demands. See Initial Decision at 2, 4-5. The ALJ also found that the Agency, in accordance with the DV risk assessment, appropriately placed Petitioner in a shelter that was not dedicated to victims of DV. See Initial Decision at 4-5. Moreover, the record reflects that Petitioner's claim that she requires placement in a DV shelter was previously litigated, and a Final Agency Decision was issued from this office on June 13, 2019, wherein it was found that Petitioner



did not meet the DV criterion. See Initial Decision at 2; see also Exhibit R-4. As such, the ALJ found that Petitioner's placement in a designated DV shelter was not required. Ibid. Based on the foregoing, and in accordance with applicable regulatory authority, the ALJ affirmed the Agency's second shelter placement determination. See Initial Decision at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(a)(1). I agree.

No Exceptions to the Initial Decision were received.

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.

By way of further comment, Petitioner is advised that she is not entitled to more than one fair hearing on the same issue. Rather, if she disagrees with the Final Agency Decision of this Division, the appeal of such must be made to the Superior Court of New Jersey, Appellate Division.

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

Officially approved final version.

AUG - 1 2019

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Natasha Johnson

Director

