



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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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 13632-19 S.B.

AGENCY DKT. NO. S545319012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that her homelessness was not due to circumstances beyond her control, and that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 15, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the Agency to provide supplemental documentation. Said documentation was provided by the Agency and the record then closed on October 18, 2019.

On November 7, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to accept housing when offered by the Agency. See Initial Decision at 2; see also Exhibit R-I. Petitioner refused motel placement offered by the Agency, and the Agency terminated Petitioner's EA benefits, contending that she failed to comply with her SP and caused her own homelessness by failing to accept motel placement. See Initial Decision at 3-4; see also Exhibit R-P, and N.J.A.C. 10:90-6.1(c)(3), -6.6(a). However, the ALJ found, and the record reflects, that the Agency should have been aware that Petitioner had refused such placement due to her particular mental health issues, as substantiated by her 12-month MED-1 form and her participation in the Substance Abuse Initiative/Behavioral Health Initiative program. See Initial Decision at 5-6; see also Exhibits P-1, R-T. Based on Petitioner's particular circumstances, the ALJ concluded that Petitioner had good cause for refusing motel placement, and further, that the Agency had failed to take Petitioner's mental health issues into account prior to its termination of Petitioner's EA benefits. See Initial Decision at 7-9; see also N.J.A.C. 10:90-6.3(g). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed, and that Petitioner shall not be subject to a six-month EA ineligibility penalty. See Initial Decision at 8-9; see also Exhibit R-P, and N.J.A.C. 10:90-6.1(c)(3), -6.6(a). I agree.

Exceptions to the Initial Decision were filed by Petitioner on November 1, 2019.



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 comment, the Agency is advised that it must take Petitioner's particular mental health issues into consideration when addressing her housing needs, and revise Petitioner's SP accordingly. See N.J.A.C. 10:90-6.3(a)(1), -6.6(a)(3).

By way of further comment, Petitioner is advised that any future violation of her SP may result in the termination of her EA benefits, and the imposition of a six-month EA ineligibility penalty. See Initial Decision at 9; see also N.J.A.C. 10:90-6.6(a).

Also by way of comment, I have reviewed Petitioner's Exceptions and find that they do not alter my decision in this matter.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

DEC 20 2018

