



State of New Jersey

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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 01885-20 D.G.

AGENCY DKT. NO. C420975004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner violated shelter rules, resulting in evictions, and thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 27, 2020, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 17, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on information from both the shelter liaison and Petitioner's roommate, the Agency terminated Petitioner's EA benefits contending that she violated shelter rules by intentionally placing a hypodermic needle in her roommate's bed in order to have the roommate evicted. See Initial Decision at 2-6; see also Exhibits R-1 at 4-7, 18, 20-23, Jt-1, and N.J.A.C. 10:90-6.1(c)(3). Petitioner denied the Agency's contentions. See Initial Decision at 2-4. Based on the testimony of each witness, regarding the circumstances surrounding Petitioner's termination from the shelter placement, the ALJ found Petitioner's testimony regarding said circumstances to be the most credible, and on that basis, found that Petitioner had not violated shelter rules. *Id.* at 2-7. Additionally, the ALJ found that Petitioner had mental health issues which should have been considered and addressed by the Agency prior to any termination of EA benefits, but were not. See Initial Decision at 8-9; see also Exhibits P-2, R-1 at 34, and, N.J.A.C. 10:90-6.1(c)(1)(iii)(2), -6.3(g). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 7-9; see also Exhibit R-1 at 4-7, and N.J.A.C. 10:90-6.1(c)(3), -6.3(g). Based on the record presented, I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 directed to refer Petitioner for a Substance Abuse Initiative/ Behavioral Health Initiative ("SAI/BHI") assessment, if it has not done so already. See Initial Decision at 8-9; see also Exhibit R-1 at 34, and N.J.A.C. 10:90-6.1(c)(1)(iii)(2), -6.3(g). Should that assessment require Petitioner to engage in treatment, that requirement shall be incorporated into her EA service plan. See N.J.A.C. 10:90-6.3(g).

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

Officially approved final version.

APR 23 2020

Natasha Johnson
Assistant Commissioner

