



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **04342-20 M.C.**

AGENCY DKT. NO. **C055509015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that his homelessness was not due to circumstances beyond his control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 1, 2020, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 4, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency denied Petitioner EA benefits, contending that his incarcerations, for stealing his aunt's car, and for possession of an illegal substance, disrupted his relationship with his aunt such that he was no longer permitted to reside with her, thereby causing his own homelessness. See Initial Decision at 3-4; see also Exhibits R-1, R-6, R-7, and N.J.A.C. 10:90-6.1(c)(3). However, the ALJ found that the Agency had failed to provide any evidence to support its determination that Petitioner's actions and/or incarcerations caused his aunt to deny him continued housing, and as such, that Petitioner had not caused his current homelessness. See Initial Decision at 5-8. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 8; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). I agree.

Exceptions to the Initial Decision were filed by the Agency on May 4, 2020.

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, based upon the record presented in this matter, the Agency should refer Petitioner for Substance Abuse Initiative and Behavioral Health Initiative assessments, if it has not already done so. See Initial Decision at 5; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c)(1)(iii). Should the assessment(s) require Petitioner to engage in treatment, such requirement shall be incorporated into his Individual Responsibility Plan and his EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii).



By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein 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.

MAY 14 2020

Natasha Johnson

Assistant Commissioner

