



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 01534-20 R.B.

AGENCY DKT. NO. S443474014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from a denial of Code Blue housing of his choice. The Agency contends that it did not deny Petitioner Code Blue housing and that it had not denied Petitioner Emergency Assistance ("EA") benefits as he had not applied for such benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On February 4, 2020, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, and took testimony.

Also on February 4, 2020, the ALJ issued an Initial Decision, affirming the determination to place Petitioner in a shelter, and dismissing Petitioner's appeal for lack of jurisdiction. Here, the record reflects that Petitioner called NJ 2-1-1, the State Homeless Hotline ("Hotline"), and was offered shelter placement. See Initial Decision at 2; see also "Case Summary." However, Petitioner refused said shelter placement, demanding a hotel placement of his choice. *Ibid.* Petitioner alleged that he was denied hotel placement of his choice because the Agency disliked him and had instructed Hotline personnel to only provide Petitioner with a shelter placement, claiming malicious and tortious interference by the Agency. See Initial Decision 2-3. Of note, the record indicates that Petitioner had not applied for, nor had the Agency denied him, EA benefits. *Id.* at 3. Based on the foregoing, the ALJ affirmed the determination to place Petitioner in a shelter, and dismissed Petitioner's appeal for lack of jurisdiction on the basis that the OAL did not have jurisdiction over his claim of tortious interference. *Id.* at 3-4. 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.

Accordingly, the Initial Decision is hereby ADOPTED, and Petitioner's appeal is hereby DISMISSED.



Officially approved final version.

Natasha Johnson
Assistant Commissioner

FEB 12 2020

