



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 02068-21 A.C.

AGENCY DKT. NO. C107403015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of motel placement. The Agency denied Petitioner EA benefits, contending that he had refused appropriate residential housing placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An emergent hearing was initially scheduled for March 1, 2021, but was adjourned, as Petitioner had just retained counsel. At the request of Petitioner's counsel, a non-emergent hearing was scheduled for April 9, 2021. On that date, the Honorable Tricia M Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record closed on April 23, 2021, upon receipt of Petitioner's post hearing brief. The Agency filed no post hearing submission. On May 6, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on May 18, 2021.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Here, based on the testimony and documentation submitted into the record, I agree with the ALJ's conclusion that Petitioner failed to prove, by a preponderance of the credible evidence, that the Agency had improperly denied EA benefits to Petitioner on the basis that he had refused the appropriate residential housing placement offered to him by the Agency. See Initial Decision at 7-11. Particularly, I find that the letter submitted into the record, marked as Exhibit P-5, to corroborate Petitioner's claim that due to his mental health issues residential housing was not the appropriate form of housing for him, was not provided to the Agency prior to its February 24, 2021, denial of EA benefits to Petitioner. See Initial Decision at 3-6. Accordingly, I concur with the ALJ that the Agency had properly denied Petitioner EA benefits on February 24, 2021. *Id.* at 10-11; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(1).

However, based on an independent review of the record, it now seems that Petitioner is doing well with his substance abuse recovery, is taking his medications, is able to take care of his daily living needs, has no current motel violations, and has family and a mental health support system within Ocean



F,15,N,C107403015X,0027,000013843476

BARA003

County. See Initial Decision at 2-4. Further, based on the testimony provided by the Shore Haven Director, Petitioner's mental health provider, and the letters marked as Exhibits P-5 and R-8, I find that Petitioner may reapply for EA benefits. Ibid. Petitioner is instructed that at the time of his reapplication, he is to provide the Agency with additional documentation, such as, but not limited to, mental health and substance abuse treatment reports/records, Shore Haven's recommendations regarding appropriate housing and its detailed support system plan to assist Petitioner with navigating any independent living situation, such as motel/hotel placement or permanent housing. Upon receipt of such documentation, and taking into consideration Petitioner's particular circumstances, the Agency is directed to reevaluate the appropriate form housing to be offered to Petitioner. See N.J.A.C. 10:90-6.3(a)(1). The Initial Decision is modified to reflect these findings.

By way of comment, it is strongly recommended that Petitioner seek the assistance of legal counsel to help with his EA benefits reapplication process.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. JUN 24 2021

Natasha Johnson
Assistant Commissioner

