



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 03989-21 J.F.

AGENCY DKT. NO. C166755015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he refused appropriate housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 10, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On May 11, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits, and that based on Agency case notes from January, 2021, the Agency determined that the appropriate form of housing for Petitioner was in a residential facility, rather than a motel placement, and on that basis, denied Petitioner EA benefits by notice dated April 20, 2021. See Initial Decision at 5; see also Exhibits R-1, R-7. However, the ALJ noted that there was no evidence to indicate that an appropriate residential facility had been identified, or that Petitioner had refused same. See Initial Decision at 7. Moreover, the ALJ found, and the record clearly substantiates, that Petitioner is receiving treatment for his mental health issues, is compliant with same, that he is capable of living independently, and that, given Petitioner's mental health concerns, it would be better for him to live independently in a motel placement, rather than a group or boarding home setting. See Initial Decision at 5-6, 8; see also Exhibits P-6 through P-9. Based on the foregoing, the ALJ found that the Agency's determination to deny Petitioner's EA benefits was not proper and must be reversed. See Initial Decision at 9. I agree. Further, given Petitioner's mental health professionals' recommendations, and taking his mental health issues into consideration, a motel placement should be explored and strongly considered, so as to allow Petitioner to function independently. *Ibid.*; see also N.J.A.C. 10:90-6.3(a)(1). I also agree.

No Exceptions to the Initial Decision were filed.

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.

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



Officially approved final version. MAY 18 2021

Natasha Johnson
Assistant Commissioner

