



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 03235-21 R.A.

AGENCY DKT. NO. S623788012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that a motel placement was not an appropriate form of housing for him, and that he was not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 12, 2021, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On April 12, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency determined that, due to Petitioner's mental health issues, and prior behaviors at his previous motel placements, the most appropriate form of housing placement for him was a supervised living facility. See Initial Decision at 2-4; see also Exhibits R-17, R-21, R-26, R-27, and R-28. The Agency also contended that Petitioner was not homeless or imminently homeless. See Initial Decision at 3; see also Exhibit R-21. On those bases, the Agency terminated Petitioner's EA benefits. See Exhibit R-21, and N.J.A.C. 10:90-6.1(c), -6.3(a). However, the ALJ found that, although Petitioner may have violated motel rules, said alleged motel violations were not the bases for the Agency's termination of Petitioner's EA benefits, and in addition, the Agency had not shown that Petitioner had refused any Agency offered placement. See Initial Decision at 4-5; see also Exhibits R-21, R-5, R-6, R-10, R-13. Also, it appears from the record that Petitioner is either currently, or imminently homeless. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that in accordance with Division of Family Development Instruction ("DFDI") 21-02-03 (which limits the reasons by which the Agency is permitted to terminate EA benefits), it was improper for the Agency to terminate Petitioner's EA benefits on the bases set out in its March 3, 2021, adverse action notice, and as such, reversed the Agency's termination of Petitioner's EA benefits. *Id.* at 4-5; see also Exhibit R-21. I agree. Additionally, the ALJ advised Petitioner that motels at which the Agency can provide housing is limited, and therefore, he should consider any alternative housing opportunities offered, or recommend, by the Agency, including supervised housing. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(a)(1). I also 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, Petitioner is advised that any future violations of motel/shelter rules may result in the termination of EA benefits and the imposition of a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.3(c), (e).

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

Officially approved final version. **APR 20 2021**

Natasha Johnson
Assistant Commissioner

