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DEPARTMENT OF HUMAN SERVICES
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Acting Commissioner

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 03069-21 V.M.

AGENCY DKT. NO. C119963011 (MERCER COUNTY BOARD 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 she had been approved for subsidized housing, failed to follow through with said housing application process, and refused subsidized housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 21, 2021 the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 11, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Counsel, on behalf of the Agency, on June 8, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), 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, the record reflects that Petitioner applied for, and was approved, for subsidized housing, contingent upon her completion of the application process. See Initial Decision at 2, 4; see also Exhibit R-13. However, despite numerous follow-up notices and phone calls from the subsidized housing authority, Petitioner failed to complete the application process. See Initial Decision at 2-5; see also Exhibit R-12 at 3-5. Consequently, on September 11, 2020, Petitioner was denied subsidized housing. See Initial Decision at 3; see also Exhibit R-12 at 1-2. Petitioner admittedly failed to complete the application process claiming that she had refused the subsidized housing offered because it was in an unsafe neighborhood, and that she had made plans to live with her brother. See Initial Decision at 4-6. Petitioner's plan to live with her brother did not materialize, and moreover, the ALJ found that Petitioner had failed to substantiate her claim that said subsidized housing was inappropriate. Id. at 6-7. Further, the record indicates that Petitioner's mental and physical health claims did not inhibit her ability to follow through with the subsidized housing application process. See Initial Decision at 3-4, 6-7, and N.J.A.C. 10:90-6.3(g). Based on the foregoing, the ALJ concluded that Petitioner had failed to demonstrate good cause for failing to accept the subsidized housing offered, and as such, further concluded that the Agency's February 26, 2021, termination of Petitioner's EA benefits, effective March



31, 2021, was proper and must stand. See Initial Decision at 5-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3), and DFD Instruction 21-02-03. I agree. However, based on the substance of the Initial Decision as a whole, and the ALJ's conclusion affirming the Agency's termination of Petitioner's EA benefits, I hereby modify the Initial Decision to correct the ALJ's "Order" which erroneously states that the Agency's termination of Petitioner's EA benefits is "REVERSED." See Initial Decision at 7.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

JUN 17 2021

Natasha Johnson
Assistant Commissioner

