



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 **03914-23 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. The Agency denied Petitioner EA benefits, and denied his application for an extension of EA benefits under the Emergency Assistance for Specific Groups ("EASG") pilot, contending that he refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An emergent telephonic hearing was initially scheduled for May 11, 2023. During that hearing, at the request of, and with the consent of Petitioner, the hearing was adjourned to May 24, 2023, in order to allow him the opportunity to obtain counsel. Accordingly, the matter was no longer considered an emergent one. On May 24, 2023, the Honorable Kimberly M. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 14, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-11. Specifically, the ALJ found that, based on Petitioner's mental health diagnoses and recommendations, the Agency had, again, properly offered Petitioner EA benefits in the form of a residential facility. See Initial Decision at 4-10; see also Exhibits R-6, R-7, R-8, R-10, R-11. The ALJ also found that Petitioner had again refused that placement offer, claiming that he was most suited for a motel placement. See Initial Decision at 4-10; see also Exhibits R-6, R-7. Additionally, the ALJ found that, in accordance with regulatory authority, it is the Agency that determines the most appropriate form of housing required to address Petitioner's needs, and that the Agency had proven that Petitioner has physical and mental health issues, which warranted its determination that placement at a residential facility was the most appropriate form of housing needed to address those issues. See Initial Decision at 9-10; see also N.J.A.C. 10:90-6.3(a)(1). The ALJ also found that Petitioner had failed to produce any evidence to refute the Agency's medical documentation, or to advance his claim that a motel placement was the most appropriate form of housing to meet his needs. See Initial Decision at 9-11. Based on the foregoing, the testimony, and documentary evidence presented, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and its denial of an EASG extension of said benefits, were proper and must stand. See Initial Decision at 9-11; see also Exhibits R-1, R-4, and N.J.A.C. 10:90-6.3(a)(1). I agree. Further, the ALJ concluded that Petitioner had failed to prove that the Agency had discriminated against him when it determined that a residential facility was the most appropriate placement for him. See Initial Decision at 5, 11. 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, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. July 26, 2023

Natasha Johnson
Assistant Commissioner

