



## State of New Jersey

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*Governor*

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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 **03296-23 D.B.**

AGENCY DKT. NO. **C083068015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had refused the appropriate housing placement offered. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An emergent hearing was initially scheduled for April 28, 2023, but was adjourned at Petitioner's request to May 5, 2023, so that she could obtain counsel, and she agreed to convert the matter to a non-emergent fair hearing. On May 5, 2023, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On May 8, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that, considering Petitioner's substance abuse treatment and her recent positive test results for alcohol and drugs, the Agency had offered her an appropriate sober living housing placement. See Initial Decision at 2-3; see also Exhibit R-4 at 15-16, 9, 24, 27, 30 through 39, 49, and N.J.A.C. 10:90-6.3(a) (1). The ALJ also found, and Petitioner acknowledged, that she had refused such placement. See Initial Decision at 2-3. Although Petitioner testified that she had refused said placement due to medical issues, and her belief that she does not need a sober living environment, the ALJ found that she had been removed from past motel placements due to violation of motel rules, and that the documentation provided by Petitioner failed to demonstrate that motel living was appropriate, but rather supported the Agency's recommendation for a sober living placement. *Id.* at 2-4; see also Exhibits P-1 through P-4, and R-5, R-6. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, having offered Petitioner appropriate housing, which she refused, was proper and must stand. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3), -6.3(a)(1). I agree.

Exceptions to the Initial Decision were filed by Petitioner, on May 15, 2023.

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 may reapply for EA benefits, but is advised that it is the Agency who shall determine the most appropriate form of housing necessary to address her individual circumstances. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(a)(1). Petitioner is further advised that if she again refuses appropriate placement offered by the Agency, she may again be denied EA benefits, and a six-month period of ineligibility for EA benefits may be imposed. See N.J.A.C. 10:90-6.1(c)(3).

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

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

Officially approved final version. June 08, 2023

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Natasha Johnson  
Assistant Commissioner

