



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **04411-23 J.P.**

AGENCY DKT. NO. **C091132003 (BURLINGTON 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 he violated the terms of his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 24, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 25, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner had executed an SP, wherein he agreed, among other things, to conduct monthly housing searches and to provide proof of such searches to the Agency, and that the Agency had advised Petitioner multiple times of his requirement to provide proof of such searches. See Initial Decision at 2-3; see also Exhibit R-C, and N.J.A.C. 10:90-6.6(a). The record also reflects that Petitioner knew that he had an obligation to conduct and provide proof of housing searches, but that his mental health issues prevented him from complying with that requirement. See Initial Decision at 3-4. Based on the credible testimony of both Petitioner and his brother A.P., the ALJ found that Petitioner's failure to comply with his obligation to conduct and provide housing searches stemmed from his mental health issues, that the Agency had constructive notice of his mental health issues by virtue of his receipt of Supplemental Security Income ("SSI") benefits, and that the Agency had failed to prove that it had considered Petitioner's mental health barriers prior to its termination of his EA benefits, as required by regulatory authority. See Initial Decision at 3-6, 9; see also N.J.A.C. 10:90-6.3(g). The ALJ also found that Petitioner was not currently homeless or imminently homeless. See Initial Decision at 3, 7. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 7-9; see also Exhibit R-D, and N.J.A.C. 10:90-6.3(g). However, as the record indicates that Petitioner is not homeless or imminently homeless, a prerequisite for EA benefits eligibility, and that he has exhausted his lifetime limit for EA benefits, the ALJ ordered the Agency to reevaluate Petitioner's eligibility for EA benefits, based upon his current circumstances. See Initial Decision at 9; see also Exhibits R-A, R-B, and N.J.A.C. 10:90-6.1(c)(3), -6.4(a), (b), (c). Of note, the ALJ also recognized that hereafter, the continued provision of EA benefits to



Petitioner is conditioned upon him taking the steps necessary to address his compliance barriers. See Initial Decision at 9; see also N.J.A.C. 10:90-6.3(g). I 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, based upon the record, should Petitioner be found eligible for EA benefits, Petitioner is advised that he is required to engage in mental health services/treatment(s), and that such requirement shall be incorporated into his SP. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.3(g), -6.6(a)(1)(iii) (7). Petitioner is further advised that he shall be required to follow through with services to address those barriers for continued EA eligibility, and that failure to do so may result in a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.6(a).

By way of further comment, Petitioner is advised that, should he be denied EA benefits, he is without prejudice to request another fair hearing on that denial.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency, as outlined above.

Officially approved final version. June 22, 2023

Natasha Johnson
Assistant Commissioner

