



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 **09345-22 V.A.**

AGENCY DKT. NO. **S642401012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits and imposed a six-month EA ineligibility penalty, contending that she had violated motel rules and had refused alternative immediate need housing placement offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An Emergent hearing was initially scheduled for July 18, 2022, however, at that hearing a settlement between the parties was agreed upon and the matter was withdrawn by Petitioner. Petitioner failed to comply with the agreed upon settlement and another Emergent hearing was scheduled for August 2, 2022. At that hearing, Petitioner indicated that she needed more time to locate additional documents, and because Emergent hearings are not permitted to be adjourned or converted to a full due process hearing, Petitioner withdrew her appeal and filed the within appeal. On November 18, 2022, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 1, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that the Agency had offered Petitioner appropriate immediate need housing placements. See Initial Decision at 3-6; see also Exhibits R-9, R-10, and N.J.A.C. 10:90-1.3. The ALJ found that Petitioner had been terminated from her first immediate need housing placement and refused an appropriate alternative immediate need placement offered by the Agency, without a good cause reason for such refusal. See Initial Decision at 3-6; see also Exhibits R-11 through R-14, R-17, and N.J.A.C. 10:90-6.1(c)(3), -6.3(c)(3). Further, the ALJ found that, at the time of the hearing, Petitioner had failed to comply with the regulatory requirements needed to determine her eligibility for Work First New Jersey/General Assistance ("WFNJ/GA") benefits, which receipt of said benefits is required to be eligible for EA benefits. See Initial Decision at 3-7; see also Exhibit R-3, and N.J.A.C. 10:90-2.2(a)(3), -6.2(a). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 6-8; see also Exhibit R-15. 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, Petitioner may now reapply for EA benefits, as her six-month EA ineligibility penalty expired on January 1, 2023. See Exhibit R-15. However, Petitioner is advised that it is the Agency who shall determine the most appropriate form of housing necessary to address her individual circumstances. See 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). Also, Petitioner is advised that she must comply with the WFNJ/GA eligibility requirements, and be approved for such benefits, before she can be approved for EA benefits. See N.J.A.C. 10:90-6.2(a).

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

Officially approved final version.

January 19, 2023

Natasha Johnson

Assistant Commissioner

