



State of New Jersey

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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 1162-24 A.D.

AGENCY DKT. NO. **C050390015 (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, 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. On February 1, 2024, the Honorable Carl V. Buck III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

Also on February 1, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-5. Specifically, based on Petitioner's testimony and the statements and recommendation of his sister, with whom he had been living for several years, the ALJ found that Petitioner appears to suffer from mental health issues which warranted the Agency's determination that placement at a residential facility was the most appropriate form of housing necessary to address his needs. *Id.* at 2-3; see also Exhibits R-2 at 5, R-4, and N.J.A.C. 10:90-6.3(a)(1). The ALJ also found that Petitioner had refused the Agency offered placement, claiming that he did not have any significant mental health issues, does not require medication, that such a facility would require him to take medication, and that such a facility is not appropriate. See Initial Decision at 3-4. However, the record reflects that Petitioner failed to produce any credible evidence to refute the Agency's and/or his sister's mental health issue claims, or to advance his claim that the Agency offered placement was not the most appropriate form of housing necessary to meet his needs. *Ibid.* Based on the foregoing, and the testimonial evidence presented, the ALJ found that the Agency had demonstrated by a preponderance of the credible evidence that a residential treatment facility is the appropriate placement for Petitioner. *Id.* at 4-5. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 5; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(1). 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 reapply for EA benefits, but is advised that it is the Agency who shall determine the most appropriate form of housing necessary to address his individual circumstances. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.3(a)(1). Petitioner is further advised that if he again refuses appropriate placement offered by the Agency, he 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).



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

Officially approved final version. February 15, 2024

Natasha Johnson
Assistant Commissioner

