



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 12637-24 C.C.

AGENCY DKT. NO. C184372015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of 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 penalty, contending that she refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 18, 2024, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 19, 2024, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits, but finding good cause for waiver of the six-month EA ineligibility penalty. 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 2-7. Specifically, the record reflects that, based on a Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") assessment in May, 2023, Petitioner was referred for psychiatric care, and recommended for inpatient acute psychiatric hospitalization for involuntary medication management and stabilization. *Id.* at 2. On June 5, 2023, Petitioner was approved for temporary shelter until a residential healthcare facility could be located and secured. *Ibid.* Thereafter, Petitioner signed an EA Service Plan ("SP"), which required Petitioner to comply with treatment and to be monitored by SAI/BAI, and after a psychiatric evaluation was performed, Petitioner was placed in intensive outpatient therapy. *Ibid.* However, Petitioner stopped attending her treatment sessions, and her case with SAI/BHI was then closed for that reason. *Ibid.* As a result of her failure to comply with her EA SP, Petitioner's EA placement was terminated. *Id.* at 3. Petitioner appealed that termination, but ultimately failed to appear for the hearing, after a number of adjournments, and the matter was dismissed as abandoned. *Ibid.* Petitioner then reapplied for EA benefits on September 10, 2024, but refused the Agency's housing recommendation of a residential treatment facility. *Ibid.* Based on the testimonial and documentary evidence presented, the ALJ found that Petitioner failed to follow through with her EA SP and failed to comply with SAI/BHI during the time when she had been placed temporarily at a motel. See Initial Decision at 6. While Petitioner maintains that she should be permitted to again be placed at a motel and live independently, and that she does not need mental health treatment, the ALJ found that the Agency's determination to deny Petitioner EA benefits, based on her refusal of the appropriate form of EA placement by the Agency, was proper and must stand. *Ibid.*; see also N.J.A.C. 10:90-6.3(a)(1). I agree. The ALJ also found that, as Petitioner appears to lack the functional capacity to avoid the behaviors that have contributed to her homeless and remain a barrier to her receipt of EA benefits, no six-month EA penalty should be imposed. See Initial Decision at 6; see also see also N.J.A.C. 10:90-6.1(c)(3) and -6.3(i)(1). Based upon an independent review of the record, I also agree. The Agency's denial is therefore modified to reflect this finding.

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 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).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version. September 26, 2024

Natasha Johnson
Assistant Commissioner

