



State of New Jersey

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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 **02810-24 N.D.**

AGENCY DKT. NO. **C143999013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she declined mandatory mental health services, and failed to execute a required EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 7, 2024, the Honorable Kimberly M. Wilson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for Petitioner to submit additional documentation and then closed on March 8, 2024.

On March 8, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-11. Specifically, based on Petitioner's multiple evictions, resulting in repeated homelessness, her receipt of Supplemental Security Income ("SSI") benefits due to her mental health issues, and witnessed exhibited behaviors, the ALJ found that the Agency acted reasonably, and in accordance with regulatory authority, when it required Petitioner to participate in a mental health assessment. *Id.* at 2-8; see also N.J.A.C. 10:90-6.1(c)(1)(iii)(2). Further the record reflects that Petitioner was offered mental health assistance, but refused such referral, as she claimed that she did not require such assistance, and although according to the testimony of Petitioner's mother it would be best if Petitioner chose her own mental health treatment program, Petitioner claimed that such private health treatment was not a possibility. See Initial Decision at 4-8. Further, although Petitioner alleged that the Agency had discriminated against her in this matter, the ALJ found that there was absolutely no evidence in the record to substantiate her claim of discrimination. *Id.* at 10. Based on the foregoing, the ALJ found that Petitioner had failed to obtain a mental health assessment as required by the regulations, and as such, concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Ibid.*; see also Exhibit R-1 at 16-18. 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, the ALJ did not address the Agency's denial of EA benefits to Petitioner on the basis that she had failed to execute an interim SP, and therefore, that issue is not addressed in this Final Agency Decision. See Initial Decision at 2; see also Exhibit R-1 at 17.



By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless. See Initial Decision at 10.

Also by way of comment, Petitioner may reapply for EA benefits, but is required to complete a mental health assessment as required by N.J.A.C. 10:90-6.1(c)(1)(iii)(2), as part of her EA benefits eligibility review process. Id. at 10. Petitioner is further advised that she must also meet all other EA benefits eligibility requirements in order to be approved for said benefits. See N.J.A.C. 10:90-6.1 et seq.

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

Officially approved final version. March 21, 2024

Natasha Johnson
Assistant Commissioner

