



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 14297-23 O.S.

AGENCY DKT. NO. C121012006 (CUMBERLAND COUNTY BD 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 refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 29, 2023, the Honorable William T. Cooper III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On January 2, 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, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-7. Specifically, the ALJ found that, based on Petitioner's mental health diagnoses and recommendations, the Agency had properly offered Petitioner EA benefits in the form of an assisted boarding home, or a residential facility, both voluntary, temporary placements, until such time as Petitioner's pending application for subsidized housing was completed. See Initial Decision at 2-3, 5-6; see also Exhibits R-1 at 11-18, R-3, R-4, R-5. The ALJ also found that Petitioner had refused said placement offers. See Initial Decision at 3, 7. Additionally, the ALJ found that, in accordance with regulatory authority, it is the Agency that determines the most appropriate form of housing required to address Petitioner's needs, and that the Agency had proven that Petitioner has mental health issues, which warranted its determination that placement at an assisted boarding house, or residential facility, was the most appropriate form of housing needed to address those issues for the present time. See Initial Decision at 6-7; see also N.J.A.C. 10:90-6.3(a)(1). Further, the ALJ found that Petitioner had failed to produce any credible evidence to refute the Agency's medical documentation, or to advance her claim that the Agency offered placements were not the most appropriate form of housing to meet her needs. See Initial Decision at 3-5; see also Exhibit D-1, through D-3, and V-1 through V-4. Based on the foregoing, the testimony and documentary evidence presented, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-6.3(a)(1). I agree.

Exceptions to the Initial Decision were filed by Petitioner on January 3, 2024.

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 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.



By way of further comment, I take notice that, at the time of the hearing, Petitioner submitted information regarding an available affordable apartment, which was not admitted into evidence. See J1 and J2. It is unclear whether the Agency had previously been provided with this information, or has had an opportunity to determine the appropriateness of such housing. Therefore, if such apartment is still available, or if Petitioner has since located other affordable housing, she is advised that she may reapply for EA/Temporary Rental Assistance ("TRA") benefits, and that she must provide the Agency with the required housing paperwork. However, Petitioner is once again advised that it is the Agency who shall determine the appropriate form of housing required to address her needs, which may include an assisted boarding home or a residential facility. See N.J.A.C. 10:90-6.3(a)(1). Petitioner is further advised that, should she again refuse Agency offered housing, she may be found ineligible for the receipt of EA benefits for a period of six months. See N.J.A.C. 10:90-6.1(c)(3).

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. January 9, 2024

Natasha Johnson
Assistant Commissioner

