



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 14207-23 R.B.

AGENCY DKT. NO. C080246015 (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 ineligibility penalty, contending that he refused appropriate housing offered by the Agency. The ALJ also denied Petitioner EA benefits, contending that he had exhausted his lifetime limit of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 28, 2023, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 29, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, MODIFY the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

In relevant part, pursuant to N.J.A.C. 10:90-6.3(i)(1), "[o]n a case-by-case basis and in consultation with DFD, the [EA six-month ineligibility] penalty may also be lifted when deemed appropriate by the county or municipal agency."

Here, the ALJ found that, based on Petitioner's past history of substance abuse, and his statement on his EA application indicating that he required help with alcohol and/or drug problems, the Agency had properly offered Petitioner EA benefits in the form of a sober living house placement. See Initial Decision at 2-4; see also Exhibit R-2 at 5. The ALJ also found that Petitioner had refused said placement offer. See Initial Decision at 3, 6, 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 credibly shown that Petitioner has had past substance abuse issues, which according to Petitioner still need to be addressed, thereby warranting its determination that placement at a sober living house was the most appropriate form of housing needed to address those issues for the present time. See Initial Decision at 3-5; 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 determination, or to advance his claim, that the Agency offered placement was not the most appropriate form of housing to meet his needs. See Initial Decision at 3-7. 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-1, and N.J.A.C. 10:90-6.1(c)(3)(i), -6.3(a)(1). I agree.



However, based on the totality of Petitioner's particular circumstances, specifically, taking into account his age, physical health issues, and the fact that he is currently participating in a drug and alcohol treatment program, the Agency may be willing to provide Petitioner with EA benefits, contingent upon him accepting placement in a sober living house, as previously offered. See Initial Decision at 5-7; see also Exhibit R-7. Therefore, the Agency is hereby advised that it is authorized to lift the six-month EA ineligibility penalty in order to provide Petitioner with EA benefits in the form of sober living housing. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(i)(1). The case is remanded to the Agency on this basis. However, Petitioner is advised that should he again refuse such sober living placement, then the Agency's December 20, 2023, denial of EA benefits, and imposition of a six-month EA ineligibility penalty, shall stand. See Initial Decision at 8; see also Exhibit R-1. The Initial Decision and the Agency's determination are modified to reflect these findings.

By way of comment, the transmittal in this matter indicates a contested issue regarding a denial of EA benefits on the basis that Petitioner had exhausted his lifetime limit of said benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning the denial of EA benefits on that basis, he may request another fair hearing on that issue alone. However, it appears from the record that if Petitioner accepts the Agency's offer of sober living housing, he may be eligible for an extension of the EA benefits lifetime limit pursuant to the Emergency Assistance for Special Groups ("EASG") program. See Initial Decision at 3; see also Exhibit R-1 at 2, 6, and State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), now codified at N.J.S.A. 44:10-51(a)(3), also known as EA for Specific Groups ("EASG"), and recently extended pursuant to State of New Jersey Assembly Bill, No. 5549.

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

Officially approved final version. January 16, 2024

Natasha Johnson
Assistant Commissioner

