



State of New Jersey

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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 02011-18 R.B.

AGENCY DKT. NO. S443474014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that he refused shelter/rooming house placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 8, 2018, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 9, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on February 13, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. Ibid.

Here, the record reflects that Petitioner applied for EA benefits, and that the Agency offered him shelter or rooming house placement. See Initial Decision at 2; see also Exhibit R-1 at 10. Of note, in many instances shelter/rooming house placements offer other services beneficial to the homeless population. However, Petitioner refused those forms of placement contending that those types of housing were dangerous, unclean, overcrowded, and dehumanizing, yet he failed to provide any proof that the Agency referred placements suffered from any of those conditions. See Initial Decision at 2-3. Petitioner requested a specific hotel placement, and testified that he believed that it was his right to reject the Agency's placement. Id. at 3, 4. Petitioner is currently residing in a Code Blue hotel, not funded by EA benefits, where it appears that he may continue to reside until the Code Blue status is lifted. Id. at 2. Petitioner seeks to remain at the current hotel placement for an additional three months. Id. at 4.

The ALJ in this matter reversed the Agency's denial of EA benefits to Petitioner. Ibid. The ALJ directed that the Agency provide Petitioner with one month of EA benefits at Petitioner's current placement, at the Code Blue hotel, so as to allow Petitioner and the Agency to explore other potential housing possibilities. Ibid. I respectfully disagree with the ALJ's conclusion. Rather, based on the facts presented, I find that Petitioner refused appropriate housing placement, without good cause, and that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Exhibit R-1 at 8; see also N.J.A.C. 10:90-6.3(a)(1).



By way of comment, Petitioner may reapply for EA benefits, with eligibility contingent upon his acceptance of emergency housing placement deemed appropriate by the Agency. Petitioner is advised that a refusal to accept Agency placement, without good cause, may result in a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3), -6.3(a)(1).

Accordingly, the Initial Decision is hereby REJECTED, and the Agency's action is AFFIRMED.

Officially approved final version.

**FEB 21 2018**

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Natasha Johnson

Director

