



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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NATASHA JOHNSON
Director

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 16378-18 S.G.

AGENCY DKT. NO. C168205011 (MERCER 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 she violated shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 20, 2018, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 21, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Based on the testimony of the parties, the ALJ found that Petitioner's aggressive and disruptive behavior violated shelter rules, resulting in her ejection from the immediate need shelter placement. See Initial Decision at 4-8; see also Exhibits R-3, R-4, and N.J.A.C. 10:90-1.3(a). However, based on Petitioner's behavior at the shelter, as well as the behavior she demonstrated during the hearing, the ALJ found that Petitioner's suspected mental health issues inhibited her ability to understand the consequences of her actions and to avoid homelessness. See Initial Decision at 4-5, 7. As such, the ALJ found that Petitioner lacked the capacity to avoid her emergency and therefore, in accordance with N.J.A.C. 10:90-6.1(c)(1)(iii), that the Agency's denial of EA benefits to Petitioner for violation of shelter rules, and its imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 8-9; see also Exhibit R-1. I agree. Based on the foregoing, the ALJ ordered the Agency to refer Petitioner to the Substance Abuse/Behavioral Health Initiative ("SAI/BHI") for evaluation and treatment, and further ordered that Petitioner must agree to engage in appropriate treatment as part of her EA service plan. See Initial Decision at 9; see also N.J.A.C. 10:90-6.6(a)(1)(iii)(7). Additionally, the ALJ advised Petitioner that, should she fail to participate in the SAI/BHI program, or violate her EA service plan, her EA benefits may be terminated and a six-month EA ineligibility penalty imposed. See Initial Decision at 9. I also agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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.



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

Officially approved final version.

Natasha Johnson
Director

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