



State of New Jersey

PHILIP D. MURPHY
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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 17416-18 S.B.

AGENCY DKT. NO. C082653018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she failed to accept subsidized housing when it was offered and available to her. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 15, 2019, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 5, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she testified that, although she declined the Section 8 housing assignment after being approved for the move, the Agency never contacted her to advise her that she had to take the housing or she would lose her EA benefits. See Initial Decision at 2; see also Exhibits R-1, R-2. The record reveals that the Agency had left phone messages for Petitioner, but had not spoken to Petitioner directly about the potential loss of EA benefits if Petitioner did not accept the Section 8 housing offered. See Initial Decision at 2-3; see also Exhibit R-1 at 4C. There was no EA service plan ("SP") entered into the record, and Petitioner testified that she was not aware that she did not have a choice and would risk her existing housing benefits by declining the Section 8 housing. See Initial Decision at 3. The ALJ also found that the Agency was aware that Petitioner, who had been in the Substance Abuse Initiative/Behavioral Health Initiative program and had a MED-1 form on file, suffered from mental health issues for which she was taking medication, and was receiving counseling. See Initial Decision at 2; see also Exhibit R-1 at 4A, 4B, 5. Based on the foregoing, the ALJ found that Petitioner was unaware that she was required to take the Section 8 housing or lose her existing housing benefit. See Initial Decision at 4. Therefore, the ALJ reversed the Agency's termination of Petitioner's EA benefits, finding that she did not cause her own homelessness. See Initial Decision at 3; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.1(c). I agree.

No Exceptions to the Initial Decision were filed.

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.

Further, the Agency shall formulate an SP with Petitioner, clearly denoting that Petitioner must accept affordable housing if offered, and that if she declines affordable housing, without good cause, she is at risk of losing her EA benefits for a period of six-months. See N.J.A.C. 10:90-6.1(c)(3), -6.6(a).

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



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Officially approved final version.

Natasha Johnson

Director

FEB 11 2019

