



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **08057-22 A.C.**

AGENCY DKT. NO. **C174210013 (MONMOUTH COUNTY DIV. 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 Agency offered housing placement, and voluntarily abandoned affordable housing, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 21, 2022, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to provide additional documents, and then closed on September 22, 2022. On September 23, 2022, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits to Petitioner, and reversing the Agency's imposition of a six-month EA ineligibility penalty.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following a review of the record, I hereby ADOPT the Initial Decision, and AFFIRM in part and REVERSE in part, the Agency's determination, based on the discussion below.

Here, the ALJ found that, based on Petitioner's mental health issues, the Agency had appropriately offered Petitioner placement in a residential healthcare facility. See Initial Decision at 3-4, 6; see also Exhibit R-1 at 13-23, 32, 35-40, and N.J.A.C. 10:90-6.3(a)(1). The ALJ also found that both Petitioner, as well as his Power of Attorney, were advised that if he refused the placement offered, he would be ineligible for EA benefits. See Initial Decision at 4, 6. Petitioner claimed that he had refused such placement because he was able to care for himself and wanted to live independently out in the community. *Id.* at 3. However, the ALJ found that the Agency had provided sufficient documentation regarding Petitioner's mental health condition/diagnosis, such that its offered residential healthcare facility placement was appropriate. *Id.* at 6; see also Exhibit R-1 at 13-23, 32, 35-40. Of note, the record is devoid of any evidence to support Petitioner's claim that he could live independently, or that there was a more appropriate form of housing to be considered by the Agency. Based on the foregoing, the



ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5-6; see also Exhibit R-1 at 24-26, and N.J.A.C. 10:90-6.1(c)(3). I agree. The ALJ further found that, based on Petitioner's mental health issues, he lacked the functional capacity to avoid the behaviors that contributed to his homelessness, including refusing housing placement, abandoning permanent affordable housing, and engaging in behavior that directly caused his eviction, and as such, reversed the Agency's imposition of a six-month EA ineligibility penalty. See Initial Decision at 6; see also Exhibits R-1 at 24-26, and N.J.A.C. 10:90-6.1(c)(3). I also agree.

By way of comment, Petitioner is advised that he may reapply for EA benefits. However, Petitioner is also advised that if he refuses an appropriate housing placement offered by the Agency, he may again be denied EA benefits, and a six-month EA ineligibility penalty may be imposed. See N.J.A.C. 10:90-6.1(c)(3).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version.

October 4, 2022

Natasha Johnson
Assistant Commissioner

