



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **04719-22 A.C.**

AGENCY DKT. NO. **C107403015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, in the form of motel placement. The Agency denied Petitioner EA benefits, contending that he refused appropriate housing offered, as determined by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 16, 2022, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Following submission of documentation by Petitioner after conclusion of the hearing, the record then closed. On June 20, 2022, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

The Agency shall determine the most appropriate form of EA benefits that are "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." N.J.A.C. 10:90-6.3(a)(1).

Here, the record reflects that Petitioner applied for EA benefits on April 21, 2022. See Initial Decision at 2; see also Exhibit R-2. On April 29, 2022, the Agency denied Petitioner's application for EA benefits, stating that motel/hotel placement was not the most appropriate form of housing for Petitioner, and that the most appropriate form of housing for Petitioner, as determined by the Agency, was a residential health care facility, which Petitioner had refused. See Initial Decision at 2; see also Exhibit R-1.

In a very thorough and comprehensive Initial Decision, the ALJ in this matter reviewed Petitioner's past fair hearings and the outcomes of same. See Initial Decision at 2-5. The ALJ noted that Petitioner's last fair hearing resulted in a Final Agency Decision from this office, dated February 17, 2022, affirming the termination of EA benefits, from a motel placement, and the imposition a six-month EA penalty. See Exhibit R-9. Nonetheless, a letter was written by Petitioner's mental health care providers on March 31,



2022, just six weeks after the most recent fair hearing decision, and which again asserts that Petitioner should reside independently. See Exhibit R-10. The ALJ in this matter poignantly stated, “[Petitioner’s mental health providers] did not address or even reference the very recent affirmation of [Petitioner’s] inappropriate behavior in an unsupervised setting.... There is no evidence in the record that addresses the recent incidents and reconciles it with his current mental state and capacity to live independently without serious incident.” See Initial Decision at 12. Based on the foregoing, and noting that the Agency had previously placed Petitioner in independent housing based upon the recommendation and representation of his medical providers, without success, the ALJ concluded that the Agency’s denial of EA benefits to Petitioner in the form of motel/hotel placement was proper and must stand. See Initial Decision at 13-15, 17. Following an independent review of the record in this matter, I agree with the ALJ. I again also reiterate that, in accordance with applicable regulatory authority, it is the Agency that determines the most appropriate form of housing to address Petitioner’s needs, which in this case was determined to be a more restrictive environment, which Petitioner has summarily rejected. See Initial Decision at 16; see also N.J.A.C. 10:90-6.3(a)(1). Finally, I also agree with the ALJ that the Agency is encouraged to assist Petitioner in communicating with Habcore or other appropriate organizations that may provide similar services. See Initial Decision at 17.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s action is AFFIRMED, as outlined above.

Officially approved final version.

June 29, 2022

Natasha Johnson
Assistant Commissioner

