



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 **01999-22 G.F.**

AGENCY DKT. NO. **C055938015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that her emergent situation was not due to circumstances beyond her control, and that she had refused appropriate housing when offered. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 22, 2022, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 23, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner had to vacate the apartment that she had resided in for almost 15 years because the landlord had decided to sell, and no longer rent, the subject property. See Initial Decision at 2-3; see also Exhibits P-1. Although Petitioner had agreed to vacate the property prior to the completion of the official eviction process, the ALJ found that Petitioner had attempted to find suitable housing, but was unable to do so. See Initial Decision at 2-3, 5; see also Exhibit R-8. Accordingly, the ALJ found that Petitioner's homelessness was indeed due to circumstances beyond her control. See Initial Decision at 4-5. Further, the ALJ found that the nursing home facility placement, determined by the Agency to be the most appropriate form of housing, and offered to Petitioner, was not appropriate for Petitioner. See Initial Decision at 2-3, 5. Specifically, the ALJ found that it had been determined by Petitioner's primary care physician, as well as the Managed and Long-term Service and Support ("MLTSS") caseworker, that Petitioner, a 49 year old amputee confined to a wheelchair, was capable of living independently with assistance, and MLTSS had found her eligible for assisted living in the community in the "Home and Community" program through Medicaid. *Id.* at 2, 4-5; see also Exhibits R-5, R-6, R-7. Accordingly, the ALJ found that Petitioner's refusal of the Agency offered nursing home placement was appropriate. See Initial Decision at 4-5. Moreover, the ALJ found that the Agency had never discussed with Petitioner the possibility that she may qualify for assisted living placement. *Id.* at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 5-6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). I agree.

Exceptions to the Initial Decision were filed by the Agency on March 23, 2022.



As Assistant Commissioner, 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.

By way of comment, the Agency is directed to provide Petitioner with EA benefits until such time as she transitions into an assisted living facility. See Initial Decision at 5.

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

April 5, 2022

Natasha Johnson

Assistant Commissioner

