



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 **05468-22 K.K.**

AGENCY DKT. NO. **C107472004 (CAMDEN 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 refused shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 7, 2022, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 8, 2022, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, upon being asked to leave a motel placement where she had been placed by the Agency, the ejection from which is not at issue in this appeal, the Agency offered Petitioner placement in a shelter, which Petitioner refused due to various alleged medical conditions. See Initial Decision at 2; see also Exhibit R-1. As a result of Petitioner's refusal, the Agency terminated her EA benefits. See Initial Decision at 2; see also Exhibit R-2; and N.J.A.C. 10:90-6.3(a)(1). However, based upon Petitioner's particular circumstances, and the fact that the Agency had previously placed Petitioner in a motel, rather than a shelter, due to those particular circumstances, the ALJ concluded that the Agency's termination of Petitioner's EA benefits due to said refusal was improper and must be reversed. See Initial Decision at 4. Nonetheless, as Petitioner had not provided proof of her various medical conditions, the ALJ also concluded that, upon the Agency's next review of Petitioner's EA placement, Petitioner must provide the Agency with medical documentation showing that she indeed requires continued placement in a motel. *Ibid.* The ALJ further concluded that if such documentation is not provided, then the Agency shall place Petitioner in alternate housing, which may include a shelter placement, and that refusal to accept Agency offered placement may result in the termination of Petitioner's EA benefits. *Ibid.* I agree.

Exceptions to the Initial Decision were filed by the Agency on July 8, 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, it was noted in the Agency's Exceptions that Petitioner had an unauthorized person residing with her in her motel room. Petitioner is advised that having an unauthorized person residing with her can lead to a termination of her EA benefits. See N.J.A.C. 10:90-6.3(e)(1)(iii). Petitioner is further advised that if said unauthorized person is to continue to reside with her in an Agency housing placement, such person must apply for EA benefits, individually, or jointly with Petitioner.

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.

July 19, 2022

Natasha Johnson

Assistant Commissioner

