



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 **05338-22 K.T.**

AGENCY DKT. NO. **C192081016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had refused the shelter placement offered. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 5, 2022, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 6, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that, considering Petitioner's emergent homeless situation, the Agency had offered her an appropriate housing placement. See Initial Decision at 2-3; see also Exhibit R-1 at 12. The ALJ also found that Petitioner had refused such placement. See Initial Decision at 2-3. Although Petitioner testified that she had refused said placement because it did not allow overnight visitation with her two children, of whom she does not have custody, the ALJ concluded that such visitation was speculative at this time because Petitioner had not complied with the Division of Child Protection and Permanency directives regarding any such visitation rights. *Id.* at 2-4; see also Exhibit R-1 at 4-10. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, having offered Petitioner appropriate housing, which she refused, was proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(a)(1). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on July 7, 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, Petitioner may reapply for EA benefits, but is advised that it is the Agency who shall determine the most appropriate form of housing necessary to address her individual circumstances. See N.J.A.C. 10:90-6.3(a)(1). Petitioner is further advised that if she again refuses appropriate placement offered by the Agency, she may again be denied EA benefits, and a six-month period of ineligibility for EA benefits may be imposed. See N.J.A.C. 10:90-6.1(c)(3).



By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, 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 AFFIRMED.

Officially approved final version.

July 12, 2022

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Natasha Johnson  
Assistant Commissioner

