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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 **01272-22 S.E.**

AGENCY DKT. NO. **C199179020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for February 22, 2022, but Petitioner failed to appear, and the matter was dismissed. Thereafter, Petitioner called in and the case was rescheduled. On February 25, 2022, the Honorable Elissa Mizzone Testa, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 28, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination. As background, in a prior fair hearing, and resultant Initial Decision decided on December 21, 2021, under OAL docket number HPW 10189-21 (hereinafter "Judge Moscowitz Initial Decision"), it was ordered by Administrative Law Judge Moscowitz, that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, be suspended until January 13, 2022, during which time it was directed that "[P]etitioner shall submit to a mental health assessment by a qualified health professional to determine continued eligibility for EA." See Initial Decision at 2; see also Judge Moscowitz Initial Decision at 5. Judge Moscowitz further concluded that if Petitioner failed to submit to such assessment by January 13, 2022, the effective date of the Agency's termination, then the termination should take effect. See Judge Moscowitz Initial Decision at 4. The Final Decision of this Agency, the Division of Family Development ("DFD"), issued on January 13, 2022, agreed with the Initial Decision of Judge Moscowitz. See Initial Decision at 2.

In the present matter, the ALJ determined that the "narrow issue currently being appealed by the [P]etitioner, was that she was not properly provided with the opportunity to submit to a mental health assessment and, thus the termination of EA and the six-month penalty was not warranted." *Id.* at 2. However, the ALJ found that, on December 29, 2021, the Agency had referred Petitioner to Bridgeway. *Id.* at 3; see also Exhibit R-1. On that same date, a Homeless Outreach Team Leader from Bridgeway responded to the Agency, indicating that Petitioner had been referred to Bridgeway in the past, and that she presented as noncompliant with treatment, was verbally abusive with staff, and had been banned from Trinitas due to threats of excessive violence. *Ibid.* The Homeless Outreach Team



Leader further recommended that Petitioner be referred to “a higher level of care.” Ibid. Additionally, the Agency attempted to refer Petitioner to the Agency’s Substance Abuse Initiative/Behavioral Health Initiative (“SAI/BHI”) for assessment, but SAI/BHI responded by sending prior correspondence from August 19, 2019, which stated that Petitioner had been referred to SAI/BHI numerous times, that she had engaged in threatening and abusive behaviors towards the staff, and that while attempts were made to engage her with several providers, “due to explosive and unpredictable behaviors she [was] unable to engage in treatment,” and her case was closed. See Initial Decision at 3; see also Exhibit R-2. The ALJ stated, and the record reflects, that none of the facts presented through testimony and documentary evidence were disputed by Petitioner at the hearing. See Initial Decision at 4. Of note, the record also reflects that Petitioner was evicted from numerous EA placements due to her threatening and disruptive behavior, and that Petitioner also engaged in such behavior throughout the course of the fair hearing before the ALJ. Ibid. Based on the foregoing, the ALJ concluded that Petitioner had failed to submit to a mental health assessment by a qualified health professional by January 13, 2022, as ordered by Judge Moscowitz on December 21, 2021, and upheld by DFD on January 13, 2022. See Initial Decision at 2, 4. Accordingly, the ALJ determined that the Agency’s January 13, 2022, termination of Petitioner’s EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. Id. at 4-5; see also N.J.A.C. 10:90-6.3(c)(2). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, DFD, 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 is advised that her six-month EA ineligibility penalty shall run from January 13, 2022, the effective date of the Agency’s termination, through July 12, 2022.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determination is AFFIRMED.

Officially approved final version.

March 15, 2022

Natasha Johnson
Assistant Commissioner

