



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 8621-15 R.F.

AGENCY DKT. NO. C126458 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because she refused shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 17, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On June 17, 2015, the ALJ issued his Initial Decision, affirming the Agency's determination. Here, Petitioner applied for EA benefits in the form of 13 months of back rent, however, the Agency offered her EA benefits in the form of two different shelter placements and she refused both placements. See Initial Decision at 2. The ALJ found that, pursuant to N.J.A.C. 10:90-6.3(a)(1), it is the Agency who shall determine the most appropriate form of emergency housing required to address the needs of the applicant, not Petitioner. See *id.* at 4. Accordingly, the ALJ found that the Agency properly denied Petitioner EA benefits.

No Exceptions to this Initial Decision were filed.

As the Director of the 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 in this matter.

By way of comment, Petitioner may re-apply for EA benefits provided she continues to need EA benefits and is otherwise eligible for EA benefits in accordance with N.J.A.C. 10:90-6.1. However, Petitioner is advised that the Agency "shall determine" the most appropriate form of emergency housing required to address the needs of an EA recipient, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

Signed Copy on File
at DFD, BARA

JUN 29 2015

Natasha Johnson
Director