



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 **02714-24 M.R.**

AGENCY DKT. NO. **C172292013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner EA benefits, contending that she refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was scheduled for April 5, 2024, and during a prehearing conference, Petitioner requested an adjournment stating she wished to retain legal counsel, as well as asserting she had not received the fair hearing packet from the Agency. On May 21, 2024, the Honorable Nicole Minutoli, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Petitioner disconnected from the telephonic hearing prior to providing any testimony. The case then proceeded, but Petitioner did not call back in. On June 10, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. Ibid.

Here, based on the facts as presented, the Agency had offered Petitioner a housing placement which was refused by Petitioner because she could not have a guest stay with her at the placement. See Initial Decision at 2. Petitioner has previously received EA benefits, and been provided emergency housing by the Agency, on approximately ten occasions. See Initial Decision at 2-4. In the past, Petitioner has been non-compliant with placement rules, including being verbally abusive and rude to placement staff, which has limited the options of the Agency as to what placements can be offered. See Initial Decision at 3. Petitioner was provided a placement on December 6, 2023, and on that same day, behaved in a manner that led the motel to contact the Agency the next day to have Petitioner removed from the placement. Ibid. The Agency immediately found Petitioner another placement, however Petitioner failed to appear at the placement and refused such placement as she was unable to have a guest stay with her. Ibid. On December 12, 2023, Petitioner was placed at another motel and by the next day the owner contacted the Agency to allege Petitioner violated motel rules by smoking in her room. Ibid. Petitioner was subsequently asked to leave this placement, and another placement at a motel



began on February 21, 2024. See Initial Decision at 5. The ALJ took testimony, from a motel employee, that Petitioner received a hand-delivered fair hearing packet. See Initial Decision at 3; see also Exhibit R-1 at 11.

The ALJ in this matter determined that the Agency's offer of EA placement was the appropriate form of EA benefits to meet Petitioner's emergent need based on the facts presented, and as such, when Petitioner refused said placement, the Agency's denial of EA benefits was proper and must stand. See Initial Decision at 5-6; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(1). I agree.

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 immediate need and 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).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. July 11, 2024

Natasha Johnson
Assistant Commissioner

