



State of New Jersey

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Director

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 04993-18 L.G.

AGENCY DKT. NO. C138827015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. By notice dated March 23, 2018, the Agency terminated Petitioner's EA benefits contending that he did not have an emergency beyond his control, and that he had the capacity to plan to avoid his homelessness; and by notice dated May 2, 2018, the Agency terminated Petitioner's EA benefits contending that he had failed to show up at his motel placement. Because Petitioner appealed, the matters were transmitted to the Office of Administrative Law for a hearing. On May 4, 2018, the parties requested, and were granted, an adjournment to merge the two matters. A hearing on the merged matters was initially scheduled for July 6, 2018, but was adjourned at Petitioner's request, to permit him to pursue a housing opportunity. On July 27, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a peremptory hearing, took testimony, and admitted documents. The record remained opened to allow Petitioner to provide additional documents. On July 30, 2018, Petitioner provided additional documentation, and the record closed on that day. On August 20, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on September 5, 2018.

As the Director of the Division of Family Development, 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 REVERSE the Agency's determination.

Regarding the Agency's March 23, 2018, notice of termination of Petitioner's EA benefits, the record reflects that Petitioner had been renting a room in the home of his stepfather, T.L., at the rate of \$200 per month. See Initial Decision at 2, 6; see also Exhibit R-16. However, in January 2018, T.L. required Petitioner to pay \$600 per month in rent within the next three weeks, or he would not be able to stay in the house. See Initial Decision at 6. Petitioner was also informed by T.L. that he would have to vacate the premises because T.L. planned to move out of the house on February 16, 2018. Id. at 2-3; see also Exhibits R-2, R-4. According to Petitioner, he was given 12-days' notice to move out of T.L.'s home. See Exhibit R-16. Based on the aforementioned circumstances, Petitioner applied for EA benefits on February 15, 2018. See Initial Decision at 2; see also Exhibit R-2. The Agency required verification from Petitioner, in the form of a notarized letter from T.L., stating that he was indeed moving, and that Petitioner could no longer reside in the home. See Initial Decision at 2; see also Exhibit R-3. Petitioner failed to provide the requested verification, and as a result, the Agency terminated Petitioner's EA benefits on the basis that his emergency was not due to circumstances beyond his control, and that he had the capacity to plan to avoid his homelessness. See Initial Decision at 5; see also Exhibit R-1. The ALJ found, however, that Petitioner was unable to work, as evidenced by his MED-1, and as such, was unable to earn money with which he could pay the \$600 monthly rent, and that T.L. would not allow him to remain there without paying that amount. See Initial Decision at 13. Moreover, the ALJ found that the Agency was aware of the fact that Petitioner was unable to work, and that he was unable to properly plan for housing due to his mental health issues. See Initial Decision at 3, 8, and 13; see also Exhibit R-16. The ALJ also found that T.L.'s relationship with Petitioner was volatile and that he



would not provide the required letter to the Agency. See Initial Decision at 7-8. Based on the foregoing, the ALJ found that Petitioner's homelessness was beyond his control, that he did not have the capacity to plan to avoid his emergency, and that he had good cause for failing to provide the Agency with the required letter from T.L. Id. at 9, 12-13. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, on the basis that he did not have an emergency beyond his control or that he had a realistic capacity to plan ahead for housing, was improper and must be reversed. See Initial Decision at 13; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). I agree.

Regarding the Agency's May 2, 2018, notice of termination of Petitioner's EA benefits, the record reflects that on February 21, 2018, the Agency approved a temporary shelter placement for Petitioner, and on that same date, Petitioner executed a Client Agreement for Temporary Shelter wherein he agreed, among other things, to sign in daily at the motel. See Initial Decision at 3-4; see also Exhibit R-5. However, on May 1, 2018, Petitioner did not report to the motel placement, and as a result, the Agency terminated his EA benefits contending that he voluntarily vacated his temporary shelter placement, and that his whereabouts were unknown. See Initial Decision at 4; see also Exhibit R-14, and N.J.A.C. 10:90-6.3(e)(1)(ii). Petitioner testified that he did not show up at the shelter placement on that date because he fell ill, and slept in his mother's car outside of the mother friend's home, after she had given him medication. See Initial Decision at 7. Petitioner further testified that his mother took him to the doctor on May 2, 2018, where he was diagnosed with pneumonia. Ibid. These events were confirmed by Petitioner's mother and medical records. Ibid., see also Exhibit P-1. The ALJ found that Petitioner demonstrated good cause for not appearing and signing in at the motel on May 1, 2018, and May 2, 2018, as he was ill. See Initial Decision at 9, 13. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits on the basis that he voluntarily vacated temporary shelter placement was improper and must be reversed. See Initial Decision at 13-14; see also Exhibit R-14, and N.J.A.C. 10:90-6.3(e)(1)(ii). I agree.

By way of 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.

SEP 27 2018

Natasha Johnson
Director

