



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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 10247-19 A.C.

AGENCY DKT. NO. C107403015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 2, 2019, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 5, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits, and that based on Petitioner's mental health diagnoses and recommendations, the Agency offered Petitioner EA benefits in the form of a residential facility. See Initial Decision at 2; see also Exhibits R-3 through R-11. Petitioner refused that placement offer, claiming that the medical records that the Agency had relied on for such placement were outdated, and that he was most suited for a motel placement. See Initial Decision at 3. The ALJ found that, in accordance with regulatory authority, it is the Agency that determines the most appropriate form of housing required to address Petitioner's needs, and that the Agency had proven that Petitioner has physical and mental health issues, which warranted its determination that placement at a residential facility was the most appropriate form of housing needed to address his health issues. *Id.* at 4; see also Exhibits R-3 through R-11. The ALJ also found that Petitioner had failed to produce medical reports or any other narrative evidence to refute the Agency's medical documentation, or to advance his claim that a motel placement was the most appropriate form of housing to meet his needs. See Initial Decision at 4. Of note, the ALJ found that the statement on the Agency's denial notice, that Petitioner had failed to return requested documentation, was erroneous, and struck it from the record. *Id.* at 2; see also Exhibit R-1 at 2. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(1). I agree. Further, the ALJ concluded that Petitioner had not proven that he was in immediate need for housing. See Initial Decision at 4. I also agree.

No Exceptions to the Initial Decision were received.

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.

By way of comment, Petitioner may reapply for EA benefits, and the Agency is directed to make efforts to find Petitioner housing at a residential facility, on an expedited basis. Petitioner is advised that if he refuses residential housing when offered to him by the Agency, he will again be denied EA benefits and a six-month period of ineligibility for EA benefits may be imposed. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3).



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

Officially approved final version.

Natasha Johnson
Director

AUG - 7 2019

