

PHILIP D. MURPHY

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON Commissioner

NATASHA JOHNSON Director

SHEILA Y. OLIVER

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 03753-19 D.B.

AGENCY DKT. NO. C055272015 (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 his emergent situation was not due to circumstances beyond his control, that he had the capacity to plan to avoid his emergency, and that he moved to Ocean County without a plan for permanent housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for March 22, 2019, but was adjourned at the request of Petitioner's counsel to allow for a mental health evaluation of Petitioner and to obtain a psychiatric report. The hearing was rescheduled for April 2, 2019, but was again adjourned to the issuance of a psychiatric report. On April 5, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 5, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on Petitioner's various mental health issues, the Agency determined that placing Petitioner in a residential health facility was the most appropriate form of housing for him, and offered him such placement. See Initial Decision at 3; see also Exhibits C, J, K, L, N, and N.J.A.C. 10:90-6.3(a)(1). Petitioner refused that placement offer and as a result, the Agency denied Petitioner EA benefits, contending that his homelessness was not due to circumstances beyond his control and that he had the capacity to plan to avoid his emergent situation. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). However, Petitioner's psychiatric evaluation, which was provided to the Agency after its March 15, 2019, denial, indicates that Petitioner's mental health issues inhibit his ability to plan and make appropriate decisions, and recommends that Petitioner be placed in a single room due to his particular mental health diagnoses. See Initial Decision at 3; see also Exhibit V. Based on Petitioner's testimony, substantiated by his psychiatric evaluation, his MED-1 form, and other mental health documentation, the ALJ found that Petitioner did not have the capacity to avoid his emergency and that he would not do well in a shared living space. See Initial Decision at 3; see also Exhibits C, R, S, and V. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 3-4; see also Exhibit R-1, and N.J.A.C.10:90-6.1(c), -6.3. Further, the ALJ ordered the Agency to provide Petitioner with housing assistance, which may be in the form of an inpatient, residential treatment setting, if same is recommended by Petitioner's mental health medical professionals and taking into consideration Petitioner's ability, or inability, to reside with others. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(a)(1). I agree.

Exceptions to the Initial Decision were filed by the Agency on April 8, 2019.

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 is advised that he must continue to comply with the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") recommendations, and that failure to do so may result in the termination of his EA benefits and the imposition of a six-month period of ineligibility for EA benefits. See Exhibits J, K, L; see also N.J.A.C. 1090-6.6(a) (1)(iii)(7).

By way of further 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.

Natasha Johnson

Director

