



State of New Jersey

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

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 06455-21 L.C.

AGENCY DKT. NO. C090171015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, contending that she violated motel/shelter rules, resulting in her termination from her motel placement, and that she had voluntarily vacated her housing placement by refusing to accept such placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 20, and August 24, 2021, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open to allow Petitioner the opportunity to provide MED-1 documentation. Said documentation was submitted, and the record then closed on August 26, 2021.

On September 8, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner had violated the motel rules of her third housing placement by having an unauthorized guest in her room, resulting in her termination from that motel placement. See Initial Decision at 3, 5-7, 13-15; see also Exhibits R-6, R-7, R-9. Although the record reflects that the Agency had continued to place Petitioner after several prior motel placement terminations due to motel/shelter rule violations, the ALJ found that after each motel termination the Agency, having knowledge of Petitioner's mental/physical health issues, had failed to contact Petitioner to determine if she had any barriers which may have prevented her from complying with the EA program and motel/shelter rules as required pursuant to N.J.A.C. 10:90-6.3(g). See Initial Decision at 8, 15-17; see also Exhibits P-1, P-2, R-2 through R-5, R-10. Also, the ALJ determined, and the Agency conceded, that it had failed to provide any documentary evidence to prove that Petitioner had refused to accept a motel placement when offered, and as such, that allegation could not form the basis for the Agency's termination of Petitioner's EA benefits. See Initial Decision at 3, 7; see also Exhibits R-1, R-8. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty was improper and must be reversed. See Initial Decision at 17; see also Exhibit R-1. Further, the ALJ ordered the Agency to work with Petitioner to determine whether her mental health issues and physical disabilities present any barriers to her EA compliance, and that if such barriers are identified, Petitioner was ordered to take immediate steps to address those barriers as a condition of continued EA benefits eligibility. See Initial Decision at 8, 17; see also Exhibit P-13. I agree.



No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, the Agency is directed to refer Petitioner to the Substance Abuse Initiative/ Behavioral Health Initiative ("SAI/BHI") for assessment, and is also directed to refer Petitioner to the Family Violence Option ("FVO") program for assessment. Petitioner is advised that failure to participate in said assessments may result in the termination of her EA benefits. See Initial Decision at 8-10, N.J.A.C. 10:90-18.1 et seq., and N.J.A.C. 10:90-20.1 et seq.

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

Officially approved final version.

OCT 19 2021

Natasha Johnson
Assistant Commissioner

