



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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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 09661-21 S.E.

AGENCY DKT. NO. C199179020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 29, 2021, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On November 30, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner had not refused housing offered to her by the Agency, and that she had not caused her own homelessness. See Initial Decision at 3. Based on the foregoing, the ALJ concluded, and the Agency agreed, that Petitioner is eligible for EA benefits, and ordered the Agency to provide Petitioner with EA benefits in the form of appropriate shelter placement, taking into consideration Petitioner's particular circumstances, her mental health issues, and the recommendations of her doctor. Id. at 3-4. I agree. Further, the record reflects that the Agency had agreed, and the ALJ concluded, that the Agency is to continue to pay for Petitioner's storage fees. Id. at 3-4.

Exceptions to the Initial Decision were filed the Agency on December 1, 2021.

As Assistant Commissioner, Division of Family Development ("DFD"), 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, it is unclear how many months of EA benefits in the form of storage costs that Petitioner has received in the past, if any. Petitioner is advised that the Agency is only authorized to provide up to six months of storage costs, and the provision of any additional months of storage costs must first be approved by DFD, with approval based on the individual's particular circumstances. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.3(a)(4)(iv).

By way of further comment, although the record indicates that the Agency had, in July 2019, provided Petitioner with more than the \$50 per day allowable for a one person/one room motel placement, it should be noted that the additional monies above the \$50 regulatory amount were provided from



discretionary funds, allotted by outside sources through agreements with the Agency, and not from the EA benefits program. See Exhibit R-2. It should be further noted that such discretionary funds are subject to availability year-to-year, and through county-by-county agreements, and as such, may, or may not, be available for use in a particular case, such as the one presented herein. See Initial Decision at 3; see also Exhibit R-2, and N.J.A.C. 10:90-6.7(a).

Also by way of comment, as the record indicates that Petitioner has mental health issues, the Agency should refer Petitioner to programs recommended to address her mental health issue(s), if it has not already done so. See Initial Decision at 3 fn 2, 4; see also Exhibit P-1, and N.J.A.C. 10:90-6.1(c) (1)(iii). Should such program(s) require Petitioner to engage in treatment, that requirement shall be incorporated into her Individual Responsibility Plan and her EA service plan. See N.J.A.C. 10:90-6.1(c) (1)(iii), 6.6(a)(1)(iii). Petitioner is advised that she is required to engage in appropriate substance and/or mental health treatment, or her EA benefits may be terminated and a six-month period of ineligibility for EA benefits may be imposed. See N.J.A.C. 10:90-6.6(a).

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

Officially approved final version.

DEC - 8 2021

Natasha Johnson
Assistant Commissioner

