



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **14250-24 C.D.**

AGENCY DKT. NO. **C174114020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he moved back to the United States without a plan to secure housing, thereby causing his own emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 11, 2024, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on October 11, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-8. Specifically, the ALJ found, and the record provided at the time of the hearing substantiates, that Petitioner's mental health diagnoses, and numerous physical issues, left him without a realistic capacity to engage in advance planning to avoid his imminent homelessness or to secure appropriate housing. See Initial Decision at 2-5; see also Exhibits P-1 at 2-42, and N.J.A.C. 10:90-6.1(c)(1)(iii). Of note, the record indicates that Petitioner had taken steps to address his mental health issues, however, such issues continue and require ongoing treatment. See Initial Decision at 4-5, 7. Based on the foregoing, the ALJ found Petitioner eligible for EA benefits, and concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, on the basis that Petitioner had the capacity to plan to avoid his homelessness, but failed to do so, without good cause, must be reversed. See Initial Decision at 7-8; see also Exhibit R-1 at 5-9, and N.J.A.C. 10:90-6.1(c)(3). I agree. Further, the ALJ advised Petitioner that he must comply with any Agency required mental health treatment. See Initial Decision at 7-8. I also agree.

Exceptions to the Initial Decision were filed by the Agency on October 21, 2024.

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, based upon the record provided, and the ALJ's recommendation, the Agency is directed to refer Petitioner for a Behavioral Health Initiative evaluation, if it has not already done so. See Initial Decision at 6-8; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Should that assessment require Petitioner to engage in treatment, that requirement shall be incorporated into his Individual Responsibility Plan ("IRP") and his EA Service Plan ("SP"). See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii). Petitioner is advised that failure to participate in any required treatment may result in the termination of his EA benefits, and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.6(a).



By way of further comment, I have reviewed the Agency's Exceptions and 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. October 23, 2024

Natasha Johnson
Assistant Commissioner

