



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **04915-24 C.G.**

AGENCY DKT. NO. **S590548012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Conferences were held in this matter on May 23, 2024, July 2, 2024, July 26, 2024, and August 2, 2024. On August 13, 2024, the Honorable Deidre Hartman-Zohman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On August 29, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed SP. Ibid. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

Here, the record reveals that Petitioner, on January 23, 2024, applied for EA and entered into an EA SP, which included a condition that Petitioner must accept permanent affordable housing if it is offered, and secure an affordable room on or before March 31, 2024. See Initial Decision at 2; see also Exhibits R-1, R-2, R-3. At the time of his January 2024 application, Petitioner had exhausted his 12-month lifetime limit of EA benefits, and was therefore granted an EA extension that required full compliance with the EA SP in order to remain eligible for benefits. See Initial Decision at 3; see also Exhibit R-4. Petitioner provided the Agency with a letter from his mental health treatment provider that a shelter placement would not be in his best interest and the Agency placed Petitioner at a motel based upon this documentation. See Initial Decision at 3; see also Exhibit R-5. On February 5, 2024, Petitioner was presented with three separate available rooms, however, he did not make arrangements with the landlords to see two of the available rooms and the third he did view but declined to accept. See Initial Decision at 3; see also Exhibit R-7. On March 21, 2024, Petitioner executed a renewed EA SP with the same conditions regarding acceptance of permanent affordable housing, and was presented with a fourth available room, and again declined the room. See Initial Decision at 3; see also Exhibits R-8, R-9. On April 2, 2024, the Agency notified Petitioner that his EA benefits would be terminated, effective May 3, 2024, for failure



to comply with his EA SP, specifically, due to the fact that he was provided with several options to secure permanent affordable housing and failed to diligently follow up. See Initial Decision at 3; see also Exhibit R-10.

Petitioner appealed the Agency's termination notice and was granted continued benefits pending the outcome of the fair hearing, during which time, the Agency presented Petitioner with another available room on June 25, 2024, which he also declined. See Initial Decision at 4; see also Exhibit R-12. On July 1, 2024, Petitioner provided the Agency with a letter from his mental health treatment provider stating that Petitioner's symptoms may be worsened in a room and house placement, and expressing a preference for an individual housing placement. See Initial Decision at 4; see also Exhibit P-1. The following day, the Agency contacted the provider, explained the layout of the rooms being offered, and based upon that conversation, the provider advised the agency that a rooming house was an acceptable living arrangement for Petitioner. See Initial Decision at 4; see also Exhibit R-15. On July 17, 2024, the Agency notified Petitioner of two additional available rooms, which Petitioner viewed and again failed to accept. See Initial Decision at 4; see also Exhibit R-13.

In accordance with the terms of his EA SP, Petitioner was aware that he was required to accept permanent affordable housing that was offered by the Agency, and that his EA benefits were contingent upon such acceptance, however, he did not secure permanent housing after seven different opportunities were presented. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving that Petitioner was not in compliance with his EA SP, such that he caused his own homelessness without good cause, and therefore, the termination of his EA benefits was appropriate. See Initial Decision at 5; see also N.J.A.C. 10:90-6.6(a). I agree and further conclude, based upon an independent review of the record, that the Agency's imposition of a six-month EA ineligibility penalty is also proper and must stand. See Exhibit R-10.

By way of comment, because Petitioner has received continued benefits pending the outcome of this fair hearing, Petitioner is advised that his six-month EA ineligibility penalty shall begin as of the date of issuance of this Final Agency Decision.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. October 10, 2024

Natasha Johnson
Assistant Commissioner

