



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 12121-24 J.T.

AGENCY DKT. NO. C103666015 (OCEAN COUNTY BOARD 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 EA benefits, and imposed a six-month EA penalty, contending that he refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 9, 2024, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 10, 2024, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits, but finding good cause for waiver of the six-month EA ineligibility penalty. 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 that, based on Petitioner's mental health diagnoses and recommendation with respect to medication, the Agency had properly offered Petitioner EA benefits in the form of placement at a residential facility. See Initial Decision at 4-10. The ALJ found that no evidence had been presented that the recommended medication would cause adverse reactions as asserted by Petitioner, and moreover, that Petitioner's mental health practitioner would not have prescribed medication that would do so. *Id.* at 7. Based on the testimony and documentary evidence presented, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4, 7-8; see also N.J.A.C. 10:90-6.3(a)(1). I agree. Further, the ALJ concluded that, based on the submitted note from Petitioner's mental health practitioner, the six-month EA ineligibility penalty should be waived. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.1(c)(3) and -6.3(i)(1). Based on the record presented, I also agree. The Agency denial is therefore modified to reflect this finding.

Exceptions to the Initial Decision were received from Petitioner on September 12, 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, Petitioner is without prejudice to reapply for EA benefits, but is reminded that it is the Agency that shall determine the appropriate form of EA placement based on the circumstances presented. See N.J.A.C. 10:90-6.3(a)(1).

By way of further comment, I have reviewed the Exceptions filed by Petitioner and I find that the arguments made therein do not alter my decision in this matter. Additionally, Petitioner is advised that pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider items as evidence that were not submitted at the hearing for consideration by the ALJ.



Also, by way of 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 MODIFIED, as outlined above.

Officially approved final version. September 26, 2024

Natasha Johnson
Assistant Commissioner

