



State of New Jersey

PHILIP D. MURPHY
Governor

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 12134-24 R.G.

AGENCY DKT. NO. S453416014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

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, and imposed a six-month EA ineligibility penalty, contending that he failed to comply with the terms of his EA service plan ("SP"), and that he abandoned Agency placed housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 6, 2024, the Honorable R. Tali Epstein, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 9, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, 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 2-6. Specifically, the ALJ found that Petitioner had sufficient Supplemental Security Income funds to pay for his motel stay until September 8, 2024, and that thereafter, his aunt agreed to allow him to live with her until such time as he found housing. See Initial Decision at 5; see also Exhibit R-8. At the hearing, the Agency agreed to rescind its six-month EA ineligibility penalty, and to provide Petitioner with EA benefits in the form of security deposit, as well as temporary rental assistance on an affordable private unit or rooming house. See Initial Decision at 4-5; see also Exhibits P-2, R-1 at 3-4, and N.J.A.C. 10:90-6.3(i)(1). The record also indicates that the Agency had assisted, and continues to assist, Petitioner with finding such appropriate housing, providing him with information regarding boarding homes, rooming houses, and affordable rental opportunities in Morris County. See Initial Decision at 4-5; see also Exhibits R-5, R-6. The record also indicates that Petitioner's aunt is also assisting him in finding appropriate housing. See Initial Decision at 5. Based on the foregoing, the ALJ found that Petitioner was not homeless or imminently homeless at this time, and on that basis, concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. Id. at 5-6; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). I agree. Of note, as the ALJ concluded that Petitioner was not homeless or imminently homeless, as discussed above, the merits of Petitioner's contended violation of his SP, and the abandonment of Agency placed housing, as the stated bases for the Agency's termination of Petitioner's EA benefits in its adverse action notice, were not addressed in the Initial Decision, and therefore, are not addressed in this Final Agency Decision. See Initial Decision at 6 fn1; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3), -6.6(a).

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner on September 16, 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 advised that should his circumstances change, and/or he finds appropriate affordable housing, he may reapply for EA benefits, and if denied said benefits, he may request another fair hearing on such denial.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I 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 AFFIRMED.

Officially approved final version. September 19, 2024

Natasha Johnson
Assistant Commissioner

