



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 10458-19 A.W.

AGENCY DKT. NO. C242670020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that it was unable to provide Petitioner with the supervised residential care facility placement required. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 2, 2019, but was adjourned so that Petitioner could procure a written denial letter from the Agency. On August 6, 2019, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 7, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, despite Petitioner's termination from three shelter placements, due to his own misconduct, the ALJ found that, based on Petitioner's severe mental health diagnosis, as substantiated by a valid MED-1 form, the Agency should provide Petitioner with EA benefits in the form of motel/shelter placement, until such time as a more appropriate residential care facility can be located. See Initial Decision at 2-3. Moreover, the Agency agreed that if a suitable facility became available, it would assist in placing Petitioner there. *Id.* at 3. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 3-4; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c), -6.3. I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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, I find that the Agency should have the capacity to provide Petitioner with EA benefits in the form of a supervised residential care facility placement, located in either Union County, or in another county. Further, the Agency may reach out to other agencies that may be able to assist with Petitioner's housing issues, including, but not limited to the Division of Mental Health and Addiction Services ("DMHAS") and Community Support Services ("CSS").



By way of further comment, Petitioner is advised that failure to accept placement at a supervised residential care facility when offered, may result in a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3).

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

Officially approved final version.

Natasha Johnson

Director

AUG 13 2019

