



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 05096-19 E.G.

AGENCY DKT. NO. C134477015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for March 28, 2019. At the time, Petitioner withdrew her appeal and agreed to accept the residential housing offered by the Agency. However, immediately thereafter, Petitioner changed her mind regarding acceptance of residential housing and requested another hearing date on the matter. On April 16, 2019, the Honorable Edward J. Delaney, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 17, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits, and that based on Petitioner's mental health diagnoses and recommendations, the Agency offered Petitioner EA benefits in the form of a residential facility. See Initial Decision at 2; see also Exhibits R-2 through R-6, R-8, R-10. Petitioner refused that placement offer, claiming that the medical records that the Agency had relied on for such placement were incorrect, and that she was most suited for a motel placement. See Initial Decision at 2-3. The ALJ found that, in accordance with regulatory authority, it is the Agency that determines the most appropriate form of housing needed to address Petitioner's needs, and the Agency had proven that Petitioner has physical and mental health issues which warranted its determination that placement at a residential facility was the most appropriate form of housing needed to address her health issues. *Id.* at 2; see also Exhibits R-3 through R-6, R-8 through R-10. The ALJ also found that Petitioner had failed to produce medical reports or any other narrative evidence to refute the Agency's medical documentation, or to advance her claim that a motel placement was the most appropriate form of housing to meet her needs. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(1). I agree.

Petitioner also claimed that she is currently in need of "immediate need" housing. See Initial Decision at 4; see also N.J.A.C. 10:90-1.3. However, the ALJ found Petitioner's claim disingenuous, as her immediate need could have been addressed at the hearing initially scheduled for March 28, 2019, but she had refused the housing assistance offered by the Agency at that time. See Initial Decision at 1, 4; see also Exhibit R-7. Further, the ALJ found that the Agency has, in its discretion, determined that immediate need does not currently exist, that Petitioner has not proven that she has an immediate need for housing, and as such, concluded that the Agency's denial of immediate need to Petitioner was proper and must stand. See Initial Decision at 4. I also agree.

No Exceptions to the Initial Decision were received.



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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, Petitioner may reapply for EA benefits, and the Agency is directed to make efforts to find Petitioner housing at a residential facility, if appropriate on an expedited basis. Petitioner is advised that if she refuses residential housing, or other appropriate housing, when offered to her by the Agency, she will again be denied EA benefits and a six-month period of ineligibility for EA benefits will be imposed. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3).

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

Officially approved final version.

APR 24 2019

Natasha Johnson

Director

