



State of New Jersey

PHILIP D. MURPHY
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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 15344-19 G.W.

AGENCY DKT NO C009039005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he is not homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 1, 2019, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 4, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner's insurance carrier has guaranteed payment for Petitioner's residential nursing home care through November 1, 2020. See Initial Decision at 2; see also Exhibit R-1 at 27-30. The record also reflects that Petitioner voluntarily discharged himself from that nursing home on October 24, 2019, and refuses to return, claiming that he does not need nursing home level care and that the staff is neglectful and abusive. See Initial Decision at 2. Petitioner then applied for EA benefits on October 25, 2019. *Ibid.*; see also Exhibit R-1 at 8-26. It appears from the record that Petitioner may return to that nursing home should he so choose. See Initial Decision at 2. The record is also devoid of any evidence to substantiate Petitioner's claims regarding his nursing home care. The ALJ found that Petitioner is not homeless, as he has guaranteed placement at the nursing home, and as such, concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 3; see also Exhibit R-1 at 6-7, and N.J.A.C. 10:90-6.1(c). I agree.

Exceptions to the Initial Decision were filed by Petitioner on November 7, 2019.

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 is advised to contact his health care provider to discuss alternate housing placement.

By way of further comment, I have reviewed Petitioner's Exceptions, 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.

NOV 13 2019

Natasha Johnson

Assistant Commissioner

