



State of New Jersey

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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 15749-19 A.C.

AGENCY DKT. NO. C073423006 (CUMBERLAND 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 she had failed to provide documentation required to determine her EA benefits eligibility, and refused shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 27, 2019, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 18, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on December 31, 2019.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Here, the ALJ found that Petitioner had failed to provide the Agency with the documentation it required to determine her eligibility for EA benefits, particularly, documentation concerning Petitioner's mental health issues, and that she failed to show up at the shelter placement arranged for by the Agency. See Initial Decision at 2-3; see also Exhibit R-1 at 16-17, 26, and 29. Petitioner testified that she thought that she had provided all the documentation required, and that she had not shown up at that particular shelter placement because she was not welcome there due to past difficulties, of which the Agency was aware. See Initial Decision at 3. Upon learning that the shelter placement was under new management, Petitioner testified that she would accept shelter placement there. Ibid. Further, Petitioner testified that she would return to the Agency, submit a new EA benefits application, and provide all documentation required by the Agency. Ibid. The ALJ found it undisputed that Petitioner had failed to provide the Agency with the required documentation required to determine Petitioner's EA benefits eligibility, and accordingly, concluded that the Agency's denial of Petitioner's application for EA benefits was proper and must stand. Id. at 3-4; see also Exhibit R-1 at 2-4, and N.J.A.C. 10:90-2.2(a)(5), -6.6(a). I agree.

Additionally, in light of Petitioner's mental health issues, the Agency has acknowledged its willingness to continue to work with Petitioner to resolve the barriers inhibiting her from completing the EA benefits



application process, and Petitioner has agreed to continue to cooperate with the Agency's requirements for eligibility. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Based on the foregoing, I find that Petitioner may reapply for EA benefits, but she is advised that failure to provide all required documentation, or refusal to accept shelter placement, may result in a denial of EA benefits and the imposition of a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3).

By way of 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.

Natasha Johnson
Assistant Commissioner

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