



State of New Jersey

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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 09329-20 N.L.

AGENCY DKT NO C185381004 (CAMDEN COUNTY BOARD OF SOC SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she failed to check into the Agency referred shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2020, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 13, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Here, the record reflects that EA benefits were provided to Petitioner in the form of shelter placement. See Initial Decision at 3. However, Petitioner failed to check into that shelter placement, choosing to temporarily reside with her mother instead. *Ibid.*; see also Exhibit R-1 at 3. As a result, the Agency denied Petitioner's application for EA benefits. See Initial Decision at 3; see also Exhibit R 1 at 4-7, and N.J.A.C. 10:90-6.1(c)(3). Petitioner testified that she had refused that shelter placement, and had the right to do so, because she felt that the shelter was unsafe due to COVID-19. See Initial Decision at 4. The record also reflects that Petitioner had not contacted the Agency to discuss her concerns, or to explain why she had not gone to her assigned shelter placement. *Id.* at 5. The ALJ found that, although Petitioner's concerns about COVID-19 were understandable, it is the Agency who determines the most appropriate form of housing under the prevailing circumstances, and there is no exception for a pandemic. *Ibid.*; see also N.J.A.C. 10:90 6.3(a)(1). The ALJ also found that the various laws relied upon by Petitioner to advance her case were either misplaced, irrelevant, or were not contravened by the authority given to the Agency by regulation. See Initial Decision at 6-7. Based on the foregoing, the ALJ concluded that the Agency provided Petitioner with an appropriate EA housing placement, and that Petitioner rejected said placement. *Id.* at 5, 7. Accordingly, the ALJ concluded that the Agency's



denial of EA benefits to Petitioner was proper and must stand. Id. at 7; see also Exhibit R-1 at 4-7. I agree. However, I note that the ALJ mistakenly cites to N.J.A.C. 10:60-6.1 et seq. as the governing regulatory authority in this matter, when the correct citation is N.J.A.C. 10:90-6.1 et seq. See Initial Decision at 7. The Initial Decision is modified to reflect the correct applicable regulatory authority.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

OCT 20 2020

Natasha Johnson

Assistant Commissioner

