



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **05009-25 C.R.**

AGENCY DKT. NO. **C064668018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he refused appropriate shelter offered and failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for April 15, 2025, at which time the Honorable Advia Knight Foster, Administrative Law Judge ("ALJ"), adjourned the case and ordered that the Agency assess Petitioner's mental state due to her concern that it may be affecting his judgment. The Agency referred Petitioner for a mental examination, which resulted in his being determined competent. On May 7, 2025, ALJ Knight Foster held a plenary hearing, took testimony, and admitted documents. On May 28, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. Ibid.

Here, Petitioner applied for EA benefits on August 5, 2024, and executed an EA SP, wherein he agreed, among other things, to accept placements as offered by the Agency, and to complete affordable housing searches in his endeavor to find permanent housing. See Initial Decision at 2; see also Exhibits 3b, 3c and N.J.A.C. 10:90- 6.3(a)(1), -6.6(a). Following Petitioner's application, the Agency scheduled him for tours of prospective permanent housing placements on August 5, 2024, August 15, 2024, and February 11, 2025; Petitioner refused each of the offered housing placements. See Initial Decision at 3; see also Exhibit 4d. Thereafter, by notice dated February 14, 2025, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty due to his EA placement refusals and failure to comply with the terms of his SP. See Initial Decision at 3; see also Exhibit 2a. Following a telephone conference in this matter, on April 15, 2025, Petitioner underwent a mini mental-state exam to determine if he may be eligible for Adult Protective Services. See Initial Decision at 3; see also Exhibit 4a. Petitioner was found ineligible for the program due to his score on the exam, as well as being determined competent and capable of making decisions on his own behalf. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month period of



ineligibility for EA benefits, were proper and must stand. See Initial Decision at 4-5; see also Exhibit R-8, and N.J.A.C. 10:90- 6.3(a)(1), -6.6(a). I agree.

By way of comment, because Petitioner has received continued assistance pending the outcome of this fair hearing, his six-month EA penalty will begin to run as of the date of the issuance of this Final Agency Decision.

By way of further comment, Petitioner is advised that if he is willing to accept housing at an appropriate placement as offered by the Agency, the imposition of the six-month EA ineligibility penalty may be waived. See N.J.A.C. 10:90-6.6(a).

By way of final comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. July 16, 2025

Natasha Johnson
Assistant Commissioner

