



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 17532-24 E.J.

AGENCY DKT. NO. S573531012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he failed to execute a required EA service plan ("SP"), refused to accept Agency referred housing placement, and refused to be screened for mental health treatment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 20, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 23, 2024, 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the Initial Decision and MODIFY the Agency's action, based on the discussion below.

EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

Here, the procedural history indicates that having taken into consideration Petitioner's mental health issues, Petitioner had been given many opportunities to comply with his previous SPs, and remain eligible for EA benefits, but to date has failed to do so. See Initial Decision at 3; See also Exhibits R-1 through R-7, R-14.

Currently, and at issue in the present appeal, Petitioner was permitted to reapply for EA benefits, and upon reapplication was required to execute an updated SP, was required to participate in mental health treatment, and was required to accept Agency offered placement, but failed to comply with any of the aforementioned requirements, resulting in the denial of his EA benefits application. See Initial Decision at 2-4; see also Exhibits R-8 through R-13, and N.J.A.C. 10:90-6.6(a). Petitioner testified that he did not have mental health issues, therefore, refusing mental health treatment, admitted that he refused to execute the required SP, and admitted that he refused housing placement. See Initial Decision at 4-5. Of note, the record reflects that Petitioner suffers from mental health issues. Id. at 4; see also Exhibit R-14. Based on the foregoing, the testimony and record provided, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5-6; see also Exhibit R-12. I agree.

Although the regulations allow consideration for individuals suffering from a mental impairment or substance abuse, they do not contemplate continued EA benefits for an individual who refuses to take part in the required mental health programs, as directed. See Exhibits R-13, R-14; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Therefore, as I concur with the



ALJ's conclusion, I also find that Petitioner has caused his own homelessness, without good cause, and as such, I hereby impose upon Petitioner a six-month period of ineligibility for EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner is advised that his six-month EA ineligibility penalty shall run from December 11, 2024, the effective date of the denial, through June 11, 2025. See Exhibit R-12. The Initial Decision, and the Agency's determination are both modified to reflect this finding.

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

Officially approved final version. January 08, 2025

Natasha Johnson
Assistant Commissioner

