



State of New Jersey

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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 **13418-24 J.S.**

AGENCY DKT. NO. **C225336013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he failed to pay the required 30 percent portion of his rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 18, 2024, but Petitioner failed to appear, and the matter was rescheduled. On November 8, 2024, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 29, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency terminated Petitioner's EA benefits, contending that he failed to pay his 30 percent share of his motel placement rent, and was consequently terminated from his motel placement. See Initial Decision at 2; see also Exhibit R-p. at 5-7. However, based on the testimony and documentary evidence provided, the ALJ found that Petitioner's mental health and substance abuse issues inhibit his ability to handle his responsibilities, such as paying his rent. See Initial Decision at 2-3, 5; see also Exhibits P-1, R-p. 8-9. The record also indicates that the Agency is aware of Petitioner's mental health and substance abuse issues, yet there is nothing in the record to indicate that such issues were taken into consideration prior to its termination of Petitioner's EA benefits, as required pursuant to regulatory authority set forth at, N.J.A.C.10:90-6.1(c)(1)(3), -6.3(g). See Initial Decision at 2-3. The ALJ also found that Petitioner is currently under medical care for his mental health issues. *Id.* at 5. Based on the foregoing, the ALJ concluded that Petitioner had good cause for failing to pay his portion of the rent, and as such, further concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. *Ibid.*; see also Exhibit R-p. at 6-7. I agree.

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 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, as the record indicates that Petitioner has substance abuse/mental health issues, which appear to have prevented him from compliance with EA benefits eligibility requirements, Petitioner "shall be required to follow through with services to address those barriers for continued EA eligibility." See Initial Decision at 2-3, 5; see also N.J.A.C. 10:90-6.3(g). Further, "such services shall be identified as mandatory activities in the EA service plan ["SP"]." See N.J.A.C. 10:90-6.3(g); see also N.J.A.C. 10:90-6.6(a)(1)(iii)(7). Finally, Petitioner is advised that any violation of such SP, or failure to pay his required 30 percent portion of his housing costs, may result in the termination of EA benefits and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.6(a).



By way of comment, the record indicates that the Agency's adverse action notice does not state that the reason for its termination of Petitioner's EA benefits was due to an SP violation, rather it only indicates that such termination was predicated on Petitioner's failure to pay his portion of the rent. See Initial Decision 2; see also Exhibit R-p. at 6-7.

Therefore, I find that an SP violation was not a transmitted issue, and as such, the ALJ's discussions regarding that matter, need not be addressed in this Final Agency Decision. See Initial Decision at 2-5.

By way of further comment, Petitioner is advised that, 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 shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

January 28, 2025

Natasha Johnson

Assistant Commissioner

