



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 **02147-25 M.T.**

AGENCY DKT. NO. **C151347015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that his emergency was not due to circumstances beyond his control, and that he had the capacity to plan to avoid his emergency, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2025, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 10, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that the Agency's factual and regulatory bases for its present denial was based on Petitioner's prior eviction for violating motel rules, and the Agency's consequent termination of his EA benefits, which termination was found improper, and as such, reversed by Judge Lieberman in a prior appeal filed by Petitioner. See Initial Decision at 2-4; see also Exhibits R-1, R-3, R-4; see also N.J.A.C. 10:90-6.1(c)(3). However, it is clear in the prior Final Agency Decision ("FAD") of this office that, while it was agreed that there was no proof that Petitioner had violated motel rules, he had, nonetheless, refused alternate placement offer from the Agency, and on that basis the prior EA termination was upheld. See Exhibit R-3 at 2. Notably, that FAD did not impose a six-month period of EA ineligibility and permitted Petitioner to reapply for EA benefits. *Ibid.*

What is unclear in the present matter, and the ALJ correctly found, is that there was no evidence presented that, following issuance of the prior FAD and reapplication for EA benefits, if Petitioner was again offered alternate shelter placement, and that such offer was refused. See Initial Decision at 2-3. Moreover, in the present proceeding, the ALJ explained to Petitioner that he would have to take the shelter placement offered by the Agency, and he agreed. *Id.* at 3, 4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 4-5; see also Exhibit R-1. I agree.

Exceptions to the Initial Decision were filed by the Agency on February 12, 2025.

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, Petitioner is advised that it is the Agency who determines the appropriate form of housing, required to address his needs, which may include out of county shelter placement. See N.J.A.C. 10:90-6.3(a)(1). Petitioner is further advised that if he refuses offered shelter placement, his EA benefits may be terminated, and a six-month period of ineligibility imposed upon him. See N.J.A.C. 10:90-6.1(c)(3).



By way of further comment, I have reviewed the Agency's Exceptions, and 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 REVERSED.

Officially approved final version. February 20, 2025

Natasha Johnson
Assistant Commissioner

