



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 7852-15 A.M.

AGENCY DKT. NO. V524971 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") in the form of motel placement. The Agency denied Petitioner's application because the Agency determines the most appropriate form of EA. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 5, 2015, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 8, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

When a recipient of Supplemental Security Income ("SSI") qualifies for EA, "[t]he county/municipal 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." N.J.A.C. 10:90-6.3(a)(1). Such emergency housing includes placement in a shelter. *Ibid.*

Here, the record reveals that Petitioner is disabled and receives monthly SSI and Retirement, Survivors and Disability Insurance ("RSDI") benefits totaling \$641.00. See Initial Decision at 2; see also Exhibit R-1 at 1. Petitioner has applied numerous times to the Agency beginning in December 2014 for EA in the form of Temporary Rental Assistance ("TRA"). See Initial Decision at 2; see also Exhibit R-1 at 14-18. Although Petitioner repeatedly sought EA because he is homeless, he has consistently refused shelter placement, claiming he suffers from anxiety, social phobia, and agoraphobia and cannot be around people. See Initial Decision at 3; see also Exhibit R-1 at 13. Thus, Petitioner will only accept placement in a motel. *Ibid.* Petitioner provided doctor's notes confirming his mental health issues, but the notes do not indicate that Petitioner cannot be placed in a shelter. See Initial Decision at 2; see also Exhibit R-1 at 21.

Further, Petitioner has also refused "safe-haven" shelter placement offered by the Agency each time he has applied for EA. See Exhibit R-1 at 17. In addition, in February 2015, the Agency arranged for Petitioner to be placed in a Volunteers of America boarding house where he would reside with only four other people. See Initial Decision at 2. However, Petitioner failed to appear. *Ibid.*; see also Exhibit R-1 at 19.

Finally, the Agency has continuously asked Petitioner to locate affordable housing, after which he was told to contact the Agency so it can assist him with his security deposit. See Initial Decision at 3; see also Exhibit R-1 at 20. However, Petitioner has refused to do so, insisting that he be placed in a motel. *Ibid.*

At the hearing, the ALJ found that although Petitioner has documented that he suffers from anxiety, social phobia, and agoraphobia, he has not established that any of those conditions prohibit him from placement in either a shelter or a boarding house. See Initial Decision at 3-4. On that basis, the ALJ found that Petitioner has failed to prove that the EA/TRA offered to him by the Agency is inappropriate based on his circumstances. See Initial Decision at 4. Therefore, the ALJ concluded, and I agree, that the Agency's denial of Petitioner's request for EA in the form of motel placement was proper and should be affirmed. *Ibid.*

Accordingly, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED.

JUN 12 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director