



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 **08750-24 A.M.**

AGENCY DKT. NO. **C856621007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, and that she had failed to provide proof of an emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 1, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 1, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on Petitioner's credible testimony, the ALJ found that Petitioner is homeless, and that beginning in January 2024, six months prior to her EA benefits application, she had planned to avoid her homelessness, by applying for Section 8 housing in Newark, East Orange, and Orange, New Jersey. See Initial Decision at 2-3; see also Exhibit R-2. Further, the ALJ found that Petitioner had, in fact, located a suitable one-bedroom apartment in East Orange, but that proof of EA/TRA benefits was required. See Initial Decision at 3-4. Additionally, the ALJ found that the Agency had failed to properly assist Petitioner with the EA benefits application process and requirements. *Id.* at 2-3. Based on the foregoing, and the overall circumstances in this matter, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed, and also concluded that the imposition of a six-month EA ineligibility penalty did not apply in this instance. *Id.* at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). Based on Petitioner's particular circumstance, and the ALJ's credibility finding, I agree. See N.J.A.C. 1:1-18.6(c).

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, although the exhaustion of EA benefits was briefly discussed, that matter was not a transmitted issue, and the Agency testified, and the record substantiates, that Petitioner has never received EA benefits. See Initial Decision at 3; see also Exhibit R-3. As such, that issue need not be addressed in this Final Agency Decision.

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



Officially approved final version. July 03, 2024

Natasha Johnson
Assistant Commissioner

