



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 **08690-24 C.R.**

AGENCY DKT. NO. **C255480007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits, contending that she had the capacity to plan to avoid her emergent situation, but failed to take reasonable steps to resolve her emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 28, 2024, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, and took testimony. Also, on June 28, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, EA benefits shall not be provided for a period of six months "when an adult EA applicant or recipient has caused his or her own homelessness, without good cause[.]" Specifically, an applicant/recipient is ineligible for EA benefits for a period of six months when the applicant's behavior directly caused the emergent situation. See N.J.A.C.10:90-6.1(c)(3)(vii).

Here, the ALJ found, and concluded, that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homeless. See Initial Decision at 2-3. Specifically, the ALJ found that Petitioner's emergent situation was a result of her failure to report to the Newark Housing Authority ("NHA") the income of her two adult children, who were living with her at the time, resulting in her owing the NHA back rent in the amount of \$6,565.45. Ibid. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. Id. at 3; see also N.J.A.C. 10:90-6.1(c)(1), (3). I agree. However, because I concur with the ALJ's conclusion that Petitioner had caused her own homelessness, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner is advised that her six-month EA ineligibility penalty shall run from April 29, 2024, the date of the Agency's denial, through October 29, 2024. The Initial Decision and the Agency's determination, are 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. July 02, 2024

Natasha Johnson
Assistant Commissioner

