



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 **08397-24 I.S.**

AGENCY DKT. NO. **C437361007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. In relevant part, the Agency denied Petitioner EA benefits, contending that Petitioner had an open Work First New Jersey/General Assistance ("WFNJ/GA") benefits case in Atlantic County, and therefore was not considered a resident of Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 25, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 27, 2024, the ALJ issued an Initial Decision, modifying the Agency's determination, and affirming the Agency's determination on other grounds. See Initial Decision at 5-6. Although the Agency's adverse action notice states several reasons for its denial of EA benefits to Petitioner, which reasons I find irrelevant to the matter at hand, the ALJ affirmed the Agency's denial of EA benefits, on the sole basis that Petitioner had an open EA benefits case in another county. See Initial Decision at 5; see also N.J.A.C. 10:90-1.9. Here, the ALJ found, and Petitioner acknowledged, that at the time of Petitioner's application he was receiving WFNJ/GA benefits in Atlantic County. See Initial Decision at 2-3. As such, at that time of Petitioner's application the Agency lacked the jurisdiction to provide WFNJ/GA and/or EA benefits to Petitioner in Essex County. *Ibid.*; see also Exhibit R-1 at 13, and N.J.A.C. 10:90-1.9, -6.2(a). Based on the foregoing, the ALJ modified the Agency's determination, affirming the Agency's denial of EA benefits to Petitioner on the aforementioned basis, alone. See Initial Decision at 5-6; see also Exhibit R-1 at 4-8. I agree.

Additionally, the ALJ found, and the record substantiates, that Petitioner has received at least 12 months of EA benefits, and as such, Petitioner has exhausted his 12-month lifetime limit of EA benefits. See Initial Decision at 4; see also Exhibit R-2, and N.J.A.C. 10:90-6.4(a). I also agree. Further, the ALJ found, and the record substantiates, that Petitioner's alleged domestic violence ("DV") situation, which occurred in Atlantic County, does not constitute eligibility for, or an extension of, EA benefits, as the restraining order associated with that DV incident was dismissed effective June 3, 2024. See Initial Decision at 4; see also Exhibit P-1 at 8-14, and N.J.A.C. 10:90-6.1(c)(7), -6.4(b)(1)(ii). Again, I agree. Additionally, the ALJ found, and the record substantiates, that Petitioner is homeless. See Initial Decision at 2-3; see also Exhibit P-4, and N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). I also 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, because Petitioner's Atlantic County case was closed on June 30, 2024, Petitioner may reapply for WFNJ/GA and EA benefits in Essex County, and upon reapplication the Agency is directed to reevaluate Petitioner's eligibility for EA benefits, including storage, in accordance with N.J.A.C. 10:90-6.1 et seq., taking into consideration any mental health issues Petitioner may have. See Initial Decision at 2-6; see also Exhibits P-2, P-3. The Agency is further directed to reevaluate Petitioner's eligibility for an extreme hardship extension of EA benefits and/or an extension of EA benefits pursuant to the Emergency Assistance for Special Groups ("EASG") program. See Initial Decision at 2, 4-5; see also N.J.A.C. 10:90-6.4(b), and N.J.S.A. 44:10-51(a)(3). In the interim, the Agency is to provide Petitioner with immediate need housing on an expedited basis. See N.J.A.C. 10:90-1.3(a)(2).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is MODIFIED, and AFFIRMED on other grounds, as outlined above.

Officially approved final version. July 03, 2024

Natasha Johnson
Assistant Commissioner

