



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **09409-24 J.Y.**

AGENCY DKT. NO. **S790079009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals the correctness of an Emergency Assistance ("EA") placement by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 15, 2024, the Honorable Kimberly K. Holmes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 16, 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 DISMISS Petitioner's appeal, based on the discussion below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

Pursuant to N.J.A.C. 10:90-9.3(a), an applicant/recipient may request a fair hearing when he/she is adversely affected by an Agency action. Agency actions which adversely affect an applicant or recipient include any action, inaction, refusal of action, or unduly delayed action with respect to program eligibility, including denial, termination or suspension of benefits. See N.J.A.C. 10:90-9.3(b).

Based on an independent review of the record, I find that there is no issue regarding the correctness of an EA placement, as Petitioner testified that he had been the one to find the apartment he currently resides in, and that any concerns he had regarding the alleged condition of his apartment had been abated by the landlord. See Initial Decision at 2-4; see also Exhibits P-1 through P-6, R-1, R-2. Additionally, the ALJ found that Petitioner is not homeless, or imminently homeless, as he is still residing in his apartment, he is current with his rent, and no eviction proceedings have been instituted by his landlord. See Initial Decision at 1-2, 5-6; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). Further, it is unclear from the record what, if any, adverse action had been taken by the Agency. See N.J.A.C. 10:90-9.3(a), (b); see also Exhibit P-6. Based on the foregoing, I concur with the ALJ's conclusion that Petitioner does not have an emergent matter in this instance. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c). Accordingly, I find that the within matter is moot, and as such, dismiss Petitioner's appeal, without prejudice. The Initial Decision is modified to reflect these findings.



By way of comment, it is unclear from the record if Petitioner has been denied EA benefits, or if his EA benefits had been terminated. Nevertheless, Petitioner is advised that he may reapply for EA benefits, as appropriate.

Accordingly, the Initial Decision is hereby MODIFIED. and Petitioner's appeal is hereby DISMISSED, without prejudice.

Officially approved final version. July 18, 2024

Natasha Johnson
Assistant Commissioner

