



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 **09127-24 K.E.**

AGENCY DKT. NO. **C135632008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he moved to New Jersey ("NJ") without a plan for housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 10, 2024, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 11, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner, applied for EA benefits on June 14, 2024. See Initial Decision at 2; see also Exhibit R-1 at 4-7. By notice dated July 3, 2024, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he moved to NJ without a plan for housing. See Initial Decision at 2; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:90-6.1(c) (1). At the hearing, the Agency testified that "when an individual comes from another state, they are presumed ineligible [for EA benefits] as having caused their own homelessness," and on that basis, Petitioner was denied EA benefits, and a six-month EA ineligibility penalty imposed. See Initial Decision at 2-3. However, the ALJ found that the aforementioned presumption was not enough to form the basis for such a denial, without further evidence that Petitioner indeed had the capacity to plan to avoid his homelessness, in both Delaware ("DE") and NJ, but failed to do so. *Ibid.* Further, the ALJ found that the Agency had failed to provide such evidence. *Id.* at 3-4. Rather, the ALJ found Petitioner's credible testimony established that he had a plan prior to moving to NJ, was consistent with that plan when he moved in with his cousin in NJ temporarily, and that he is looking for employment, which is difficult to do when one is homeless. *Id.* at 2-4. The ALJ also found that due to no cause of his own, Petitioner is no longer permitted to live in his cousin's home. *Ibid.* Accordingly, the ALJ found that Petitioner had not caused his homelessness in DE, but rather that such homelessness was due to circumstances beyond his control. *Id.* at 3-4. Of note, the record indicates that Petitioner's benefits case in DE is closed. *Id.* at 2-3; see also Exhibit R-1 at 16-17. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits, and imposition of a six-month EA ineligibility penalty, were improper and must be reversed. *Id.* at 4; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:90-6.1(c). I 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, the Agency is advised that there is no regulatory authority by which an EA benefits applicant is ineligible for such benefits on the sole basis that said applicant had moved to NJ from another state.

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

Officially approved final version. July 18, 2024

Natasha Johnson
Assistant Commissioner

