



State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

CAROLE JOHNSON  
Acting Commissioner

SHEILA Y. OLIVER  
Lt. Governor

NATASHA JOHNSON  
Director  
Tel: (609) 588-2000

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 05668-18 D.H.

AGENCY DKT. NO. C024101020 (UNION COUNTY DIVISION 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 she moved to New Jersey ("NJ") without a plan for self-sufficiency, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 27, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 27, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on April 30, 2018.

As the Director of the 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 REVERSE the Agency's determination.

Only Work First New Jersey ("WFNJ") cash benefits recipients and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner had previously moved from NJ to another state to live with her daughter, providing babysitting services for her grandchildren while her daughter worked. See Initial Decision at 3. However, Petitioner's daughter lost her employment, and as a result, the family was evicted from their housing for nonpayment of rent. *Ibid.*; see also Exhibit R-1. Unable to finding housing assistance in that state, Petitioner moved back to NJ on the promise of a friend that Petitioner could reside with her. See Initial Decision at 3. After arriving in NJ, Petitioner's friend reneged on her promise, and consequently, Petitioner has been living with friends, in a motel, and is currently living in her car. *Ibid.*; see also Exhibit P-1. The ALJ concluded that Petitioner did not cause her own homelessness in the other state, that she made reasonable efforts to resolve her homelessness in that state, and that she could not have anticipated that her friend would renege on her promise of housing in NJ. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Ibid.*; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c), -6.3. I agree. Moreover, because I concur with the ALJ's conclusion, I find that the Agency's imposition of a six-month EA ineligibility penalty was improper and must be reversed. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3).

However, because Petitioner is not yet a WFNJ cash benefits recipient, as her application for WFNJ/General Assistance ("GA") benefits is still pending, I find that Petitioner is eligible for EA benefits contingent upon her first being approved for



WFNJ/GA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a). The Initial Decision is modified to reflect this finding.

By way of comment, I note that the record in this matter is devoid of any documentation verifying an eviction from Petitioner's last permanent housing situation, namely the one with her daughter in the state from which Petitioner moved, as required in accordance with N.J.A.C. 10:90-6.3(a)(1)(ii). The Agency is herein reminded of that requirement.

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED.

Officially approved final version.

**MAY 04 2016**

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Natasha Johnson

Director

