



## State of New Jersey

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TRENTON, NJ 08625-0716

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*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 07743-21 K.M.

AGENCY DKT. NO. C085554012 (MIDDLESEX COUNTY BD. 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 her emergency was not beyond her control, that she had the capacity to plan to avoid her emergent situation but failed to do so, thereby causing her own homelessness, and that she had sufficient income to pay for housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An initial emergent telephonic hearing was held on September 2, 2021, at which time Petitioner withdrew her emergent request. However, due to imminent homelessness, on September 14, 2021, Petitioner requested another emergent hearing. On September 20, 2021, the Honorable Kathleen M. Calemmo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On September 21, 2021, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter back to the Agency, based on the discussion below.

Here, the ALJ found that Petitioner's emergent situation was not beyond her control as she had voluntarily vacated affordable subsidized housing, without good cause, thereby causing her own homelessness, that she had the capacity to plan to avoid her emergent situation, and that she had sufficient income to pay for housing. See Initial Decision at 2-4, 6; see also Exhibits R-4, R-5, R-6, R-15, R-18, R-35, R-36. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, on those bases, was warranted. See Initial Decision at 6; see also Exhibit R-21 and N.J.A.C. 10:90-6.1(a)(1), -6.1(c). However, taking into consideration the special needs of Petitioner's family, specifically the fact that Petitioner has a developmentally disabled adult child, and a special needs minor child residing with her, the ALJ found that this matter should be handled as a child only case, and as such, that Petitioner's household is eligible for EA benefits on a temporary basis. See Initial Decision at 2, 5-7; see also Exhibits R-11, R-19. Specifically, in accordance with N.J.A.C. 10:90-6.5(b), the ALJ found Petitioner eligible for EA benefits in an amount sufficient to adequately house the assistance unit comprised of the adult child and minor child, as well as the non-needy parent, Petitioner. See Initial Decision at 6-7.



Further, the record reflects that the Division of Developmental Disabilities (“DDD”) has been working with Petitioner to locate and provide housing for her disabled adult child, that Petitioner had refused such housing previously offered by DDD, and that at the time of the hearing, no DDD services had been provided. *Id.* at 5-6. The record also indicates that Petitioner’s minor child is not attending school. *Ibid.* Accordingly, the ALJ found that the resolution of Petitioner’s emergent situation requires coordination between the Agency, DDD, and the Division of Children Protection and Permanency (“DCP&P”). *Id.* at 7.

Additionally, the ALJ found that it is the Agency who shall determine the most appropriate form of housing necessary to meet Petitioner’s housing needs. *Id.* at 4, 7; see also N.J.A.C. 10:90-6.3(a)(1).

Based on the foregoing, the ALJ reversed the Agency’s denial of EA benefits to Petitioner, and remanded the matter back to the Agency, to determine the most appropriate form of EA benefits to be provided, taking into consideration her families special needs, to determine the amount of EA benefits sufficient to adequately house the child only assistance unit, and to coordinate the provision of housing services with DDD and DCP&P. See Initial Decision at 6-7; see also Exhibit R-21. I agree.

Exceptions to the Initial Decision were filed by the Agency on September 21, 2021.

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, as it appears from the record that Petitioner may have sufficient income to pay her rent, the Agency is to provide Petitioner with EA benefits until such time as she finds permanent affordable housing. See Initial Decision at 2; see also Exhibit R-4. Also, the Agency has agreed, and is directed, to provide Petitioner with a security deposit once she has located such housing. See Initial Decision at 6; see also Exhibit R-13.

By way of further comment, Petitioner is advised that she must cooperate with DDD, and accept any recommended housing offered by that agency. See Initial Decision at 5-7.

Finally, upon the instruction of the ALJ, a copy of the Initial and Final Decisions shall be forwarded to DCP&P to ensure the health, safety, and welfare of Petitioner’s minor child. See Initial Decision at 7.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determination is REVERSED, and the matter is remanded to the Agency, as outlined above.

SEP 30 2021

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

