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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 **06706-24 A.B.**

AGENCY DKT. NO. **C100711008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had caused her own homelessness by failing to comply with the terms of her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was scheduled as an emergent case to be heard on May 23, 2024. Petitioner requested more time, agreed to remove the emergent case designation, and the matter was rescheduled for June 26, 2024. The June 26, 2024 hearing was adjourned at Petitioner's request with the Agency's consent, and was rescheduled for July 25, 2024. The July 25, 2024, hearing date was also adjourned, again at Petitioner's request with the Agency's consent, and rescheduled for August 1, 2024. On August 1, 2024, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The hearing continued on a second day, August 22, 2024. The record remained open for the parties to supplement the record and then closed on September 10, 2024. On September 30, 2024, the ALJ issued an Initial Decision, affirming in part and reversing in part 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed SP. Ibid. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

Here, the record reveals that Petitioner received EA, in the form of temporary placement in a shelter, from October 31, 2023, until her termination, effective May 19, 2024. See Initial Decision at 2-3; see also Exhibit R-1 at 6, 7. During the course of her receipt of EA, Petitioner executed an SP, on December 6, 2023, wherein she agreed, among other things, to conduct housing searches, and to provide the Agency with housing-search logs as proof of such searches, and wherein she was advised that failure to comply with her SP could affect her EA benefits eligibility. See Exhibit R-1 at 9-14; see also N.J.A.C. 10:90-6.6(a). Prior to her receipt of EA, in July 2023, Petitioner had received a housing voucher from the



New Jersey Department of Community Affairs (“DCA”) which was intended to assist Petitioner in finding housing. See Initial Decision at 3; see also Exhibit R-1 at 15, 21. Petitioner received the maximum two extensions of her DCA voucher but was unable to secure permanent housing, and DCA would not extend the voucher for a third time. Ibid. The Agency concluded that Petitioner violated her SP by not taking reasonable steps to find permanent housing and resolve her homelessness, specifically by failing to submit the requisite number of housing searches in a timely or consistent manner. See Initial Decision at 3-4. Petitioner argued, and the testimony of a medical professional and documentary evidence support, that she suffers from selective mutism, anxiety, and post-traumatic stress disorder (PTSD). Id. at 4.

Although Petitioner’s claims of extenuating circumstances, related to her mental health, prevented her from submitting the required housing-search logs, the ALJ found that Petitioner, while credible in her claims, had failed to comply with her SP, by failing to conduct all required housing searches, and to provide proof of same to the Agency, with no good cause credibly shown to corroborate her claims. Id. at 6.

Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving that Petitioner had failed to provide sufficient documentation to establish compliance with Petitioner’s SP, and as such, the termination of Petitioner’s EA benefits was proper and must stand. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.6(a). I agree. Further, the ALJ determined that Petitioner is receiving ongoing treatment for her mental health issues, which is intended to provide the mental health treatment necessary for her to obtain a stable living situation. See Initial Decision at 8; see also N.J.A.C. 10:90-6.1(c)(1)(iii) (EA benefits may still be available for an applicant with a perceived lack of a realistic capacity to engage in advance planning, “where the [EA] applicant demonstrates functional incapacity, for example, evidence of alcohol or drug abuse, or a mental or cognitive impairment that would prevent them from planning for or securing substitute housing”). Based on the particular circumstances presented through the record of this case, the ALJ concluded that Petitioner’s mental health issues left her without a realistic functional capacity to avoid the behaviors that contributed to her homelessness, and therefore, the Agency’s imposition of a six-month period of ineligibility regarding Petitioner’s receipt of EA benefits was improper, and must be reversed. See Initial Decision at 8; see also N.J.A.C. 10:90-6.1(c)(1)(iii), -6.3(c)(3). I also agree. The Agency’s determination is modified to reflect this finding.

By way of comment, Petitioner is without prejudice to reapply for EA benefits, but is advised that, if EA benefits are granted, and noncompliance with her EA service plan occurs, EA benefits may be terminated and a six-month period of ineligibility for EA benefits imposed. See N.J.A.C. 10:90-6.6(a).

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency’s determination is MODIFIED, as outlined above.

Officially approved final version. October 24, 2024

Natasha Johnson
Assistant Commissioner

