



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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

AMENDED DECISION

OAL DKT. NO. HPW 12996-24 A.S.

AGENCY DKT. NO. C140650002 (BERGEN COUNTY BD. OF SOC. SVCS.)

A Final Agency Decision ("FAD") was issued in this matter on October 10, 2024. This Amended FAD is being issued to recognize receipt of Exceptions filed by Petitioner, and received by this office on October 16, 2024, after issuance of the FAD.

Petitioner appeals from the Respondent Agency's denials 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 voluntarily vacated shelter housing, thereby causing her own homelessness and because Petitioner was not a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Beginning on September 24, 2024, and continued on October 4, 2024, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also, on October 4, 2024, the ALJ issued an Initial Decision, affirming the Agency's EA benefits denials solely on the basis that Petitioner was not a WFNJ or SSI benefits recipient.

Exceptions to the Initial Decision were received from Respondent on October 7, 2024.

Exceptions to the Initial Decision were received from Petitioner on October 16, 2024.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

Applicable regulatory authority mandates that, in order to be eligible for EA benefits, an individual must be a WFNJ, or SSI benefits recipient. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner was placed in a shelter, located in Essex County, by the New Jersey State Parole Board on June 4, 2024. See Initial Decision at 2; see also Exhibit P-3. On August 20, 2024, Petitioner went to the Bergen Social Services Agency (hereinafter "the Agency") seeking EA benefits and placement in Bergen County. Ibid. Following submission of her EA benefits application with the Agency, Petitioner voluntarily vacated the shelter in Essex County. See Initial Decision at 2-3. On August 27, 2024, the Agency denied Petitioner's EA benefits application based upon her voluntarily leaving her shelter placement in Essex County, thereby causing her own homelessness, and also due to Petitioner's receipt of Retirement, Survivors and Disability Insurance ("RSDI") benefits. Ibid.; see also Exhibit R-1 at 8. An independent review of the record reveals that, in a letter dated August 2, 2024, from the Social Security Administration



("SSA"), it states that Petitioner was eligible for RSDI benefits at that time. See Exhibit R-1 at 19; see also Exhibit R-1 at 27. While Petitioner, in her Exceptions, states that she does not receive RSDI benefits, but rather, receives Social Security Disability Insurance ("SSDI"), that distinction is of no substantive difference in this matter, as both RSDI and SSDI are funded by Title II of the Social Security Act, and are ineligible for EA benefits, versus SSI, which is funded by Title XVI, and such recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a); see also Exhibit R-1 at 27.

On September 6, 2024, Petitioner again applied for EA benefits and her application was again denied by the Agency due to her receipt of RSDI and her voluntarily leaving her shelter placement. See Initial Decision at 3; see also Exhibit R-1 at 12, 32-25. The Agency additionally applied a six-month disqualification period for EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 12.

As it is clear from the record presented that, at the time of Petitioner's EA benefits applications she was clearly ineligible for EA benefits, as she was not a WFNJ or SSI benefits recipient, but rather, received RSDI (or SSDI) benefits, the ALJ concluded that the Agency's EA denials on this basis alone were proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2(a) and Exhibit R-1 at 8, 12. I agree, as eligibility as either a WFNJ or SSI benefits recipient is a threshold issue in determining EA benefits eligibility. Further, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, on the basis that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness, was improper. Ibid. I also agree because Petitioner did not meet the threshold requirement of being a WFNJ or SSI benefits recipient for further EA benefits eligibility consideration. Ibid. The Agency's determination is modified to reflect these findings.

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

By way of further comment, I have reviewed the Exceptions submitted by Petitioner in this matter, and also find that the arguments made therein do not alter my decision in this matter.

Also by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination are MODIFIED, as outlined above.

Officially approved final version. October 17, 2024

Natasha Johnson
Assistant Commissioner

