



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 12996-24 A.S.

AGENCY DKT. NO. C140650002 (BERGEN 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 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 denial 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.

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. 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. 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 benefits, the ALJ concluded that the Agency's EA denial on this basis alone was proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2(a). 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 Petitioner's Exceptions, and I find that the arguments therein do not alter my decision in this matter.

By way of further 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 10, 2024

Natasha Johnson
Assistant Commissioner

