



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 **07005-24 B.R.**

AGENCY DKT. NO. **C201264007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, and failed to take reasonable steps to resolve her emergency, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 29, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 29, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on Petitioner's credible testimony, as well as the totality of her circumstances, particularly regarding the obstacles she faces in finding appropriate housing due to her medical issues, the ALJ found that Petitioner had in good faith, and diligently, searched for affordable, alternative housing but had been unsuccessful. See Initial Decision at 2-3; see also Exhibits R-1, R-3, R-7, R-8. Of note, the record indicates, and the ALJ found credible, that Petitioner is now first on the waiting list for subsidized housing in East Orange, NJ. See Initial Decision at 3. Additionally, the record reflects that Petitioner is imminently homeless. See Initial Decision at 2-3; see also Exhibits P-1, R-4 and N.J.A.C. 10:90-6.1(c). Based on the foregoing, the ALJ found that Petitioner had indeed planned to avoid her homelessness, and as such, concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 4; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). I agree. Further, the ALJ found that under the facts of this case the imposition of a six-month EA benefits ineligibility penalty is not appropriate. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3). I also agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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, although not at issue here, the record indicates that Petitioner has exhausted her life-time limit of EA benefits. See Initial Decision at 2; see also Exhibit R-5, and N.J.A.C. 10:90-6.4(a), (b). However, the record also indicates that Petitioner is the recipient of Supplemental Security Income ("SSI") benefits, and as such, the Agency has acknowledged that Petitioner is eligible for an extension of EA benefits pursuant to State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), now codified at N.J.S.A. 44:10-51(a)(3), also known as EA for Specific Groups ("EASG"), and recently extended pursuant to State of New Jersey Assembly Bill, No. 5549, extending EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who



are permanently disabled, as documented by a twelve (12) month MED-1 Form, and SSI benefits recipients. See Initial Decision at 2; see also Exhibit R-6, and DFD Instruction No. 19-02-01.

By way of further comment, Petitioner is advised that the Agency "shall determine" the most appropriate form of emergency housing required to address the needs of an EA recipient, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1). Further, the Agency is directed to take into consideration Petitioner's medical issues when determining the appropriate housing required to address her needs. See Initial Decision at 2-3; see also Exhibits R-1, R-7, R-8.

Accordingly, the Initial Decision is ADOPTED, and the Agency's determination is hereby REVERSED.

Officially approved final version. June 05, 2024

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Natasha Johnson  
Assistant Commissioner

