



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 15571-24 B.S.

AGENCY DKT. NO. C289096009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she abandoned permanent housing, and that she had the capacity to plan to avoid his emergency, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 8, 2024, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On November 8, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner had moved out of her apartment in November of 2023, after the term of her lease ended in September of 2023. See Initial Decision at 2-3; see also Exhibits R-2, R-3. The ALJ found that Petitioner had moved out of her apartment, prior to any eviction, because she was unable to pay the rent due to the loss of employment income related to child care, and the upcoming birth of her second child, born in May of 2024. See Initial Decision at 2-4. The ALJ found that Petitioner had applied for EA benefits prior to vacating her apartment, but was denied said benefits because, at the time, she did not qualify for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, a requirement for EA benefits eligibility. *Id.* at 3; see also N.J.A.C. 10:90-6.2(a). Thereafter, the record reflects that Petitioner had been living with her brother until March of 2024, and then with her mother in her mother's Section 8 housing until October 2024. *Id.* at 3. Petitioner was required to move out of her mother's Section 8 housing so that her mother would not be in violation of Section 8 requirements. *Ibid.* Currently, Petitioner is unemployed, and residing in a YMCA shelter, which she needs to vacate on November 8, 2024. The ALJ also found that Petitioner had just begun receiving WFNJ/TANF benefits as of October 29, 2024, had been unable to obtain child support, does not qualify for unemployment benefits, and as such, did not have the capacity to avoid her emergent situation. *Ibid.* Based on the foregoing, the ALJ concluded that the Agency had failed to prove, by a preponderance of the evidence, that Petitioner had abandoned permanent housing, without good cause, and/or that she had the capacity to plan to avoid her emergent situation. *Id.* at 4. Accordingly, as the aforementioned was the only reason for the Agency's denial of EA benefits to Petitioner, the ALJ further concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). I agree. Moreover, I find that Petitioner's alleged abandonment of her apartment in November of 2023, is too remote in time to form the basis for the Agency's denial of EA benefits to Petitioner. See Exhibit R-1.

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 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, Petitioner is advised that the Agency shall determine the most appropriate form of EA benefits required to address her housing needs, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version. November 14, 2024

Natasha Johnson
Assistant Commissioner

