



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **06857-24 C.N.**

AGENCY DKT. NO. **C183130003 (BURLINGTON 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's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had caused her homelessness, as she had the capacity to plan to avoid her homelessness, but failed to do so, and that she failed to provide the required documentation needed to determine EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 24, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On May 28, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-8. Specifically, the ALJ found, and the record substantiates, that Petitioner, among other required documentation, provided proofs that she is imminently homeless, and as such, on that basis the ALJ found Petitioner eligible for EA benefits. See Initial Decision at 2-4, 7; see also Exhibits P-1 at 3-6, 9, 13, 19-20, 23, 25, 27-29, 31, 37 R-A at 6, R-B at 18-26, R-C at 38-39, and N.J.A.C. 10:90-6.1(c). Further, the ALJ found that, due to the many life-changing events that Petitioner had experienced, along with her mental health issues, as substantiated by an Agency validated seven-month MED-1 form, Petitioner was left without a realistic capacity to engage in advance planning to avoid her imminent homelessness or to secure appropriate substitute housing. See Initial Decision at 3-7; see also Exhibits P-1 at 15-16, 41-89, R-A at 8, R-B at 18-26, and N.J.A.C. 10:90-6.1(c)(1)(iii). Of note, the record indicates that Petitioner has taken steps to address her mental health issues. See Initial Decision at 6; see also Exhibit P-1 at 7, 39. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner EA benefits on the bases of having caused her own homeless, without good cause, and a failure to provide proof of homelessness or imminent homeless, were improper and must be reversed. See Initial Decision at 6-8; see also Exhibit R-C at 38-39, and N.J.A.C. 10:90-6.1(c)(3). Accordingly, the ALJ also concluded that the Agency's imposition of a six-month EA ineligibility penalty was improper and must be reversed. See Initial Decision at 8; see also Exhibit R-C at 38-39, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Exceptions to the Initial Decision were filed by the Agency on May 29, 2024.

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

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

Officially approved final version. June 04, 2024

Natasha Johnson
Assistant Commissioner

