



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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

FINAL DECISION

OAL DKT. NO. HPW **15145-24 C.P.**

AGENCY DKT. NO. **C331211007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had violated shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 30, 2024, the Honorable R. Tali Epstein, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 31, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the record reflects that the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had violated shelter rules by engaging in a confrontation with another shelter resident ("T.B."), and for being in possession of a knife. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(c) (1), (3). Said termination of Petitioner's EA benefits was based upon an incident report from a shelter staff member, wherein the Agency had been advised of the confrontation. See Initial Decision at 4; see also Exhibit R-4. However, the ALJ found that, although the shelter staff member's incident report suggested otherwise, the shelter staff member's in-depth testimony confirmed at the hearing that it was T.B., not Petitioner, who was the threatening and disruptive party. See Initial decision at 3-5; see also Exhibit R-4. Further, the ALJ found the shelter staff witness credible when she testified that the knife Petitioner was in possession of was authorized for her use in cutting vegetables for a salad. See Initial Decision at 4. The record also reflects that Petitioner explained what factually transpired in said confrontation in her emails to two Agency workers, confirming the shelter staff member's testimony. See Initial Decision at 3-5; see also Exhibits P-1, P-2. Of note, it was T.B. who had to be removed from the shelter by the police, not Petitioner. See Initial Decision at 4. Based on the factual circumstances presented, the ALJ concluded that the Agency's termination of



Petitioner's EA benefits, and imposition of a six-month EA ineligibility penalty were improper, and must be reversed. Id. at 5-6; see also Exhibit R-2. I agree.

However, the ALJ also found that Petitioner is currently living with friends, and expects to be staying there for at least one more month, and as such, she is not homeless or imminently homeless. See Initial Decision at 5, 6. Petitioner further testified that she does not want to return to a shelter placement if she can avoid it. Id. at 5. Based on the foregoing, I find that Petitioner ineligible for EA benefits at this time. See N.J.A.C. 10:90-6.1(c). However, Petitioner is advised that should her circumstances change, she may reapply for EA benefits. The Initial Decision is modified to reflect this finding.

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

Officially approved final version. November 12, 2024

Natasha Johnson
Assistant Commissioner

