



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 **07345-24 D.C.**

AGENCY DKT. NO. **C286154009 (HUDSON COUNTY DEPT OF FAM 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 abandoned permanent affordable housing, thereby causing her own homelessness, and contending that she has sufficient income and the capacity to plan to avoid her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 3, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 5, 2024, the ALJ issued an Initial Decision, affirming in part, and modifying in part, the Agency's determination. Here, the record reflects that Petitioner left subsidized housing, shared with her mother, due to her mother's alcohol abuse and her mother's consequent behaviors resulting therefrom, determining that it was no longer safe for her and her three-year old child to continue to live in that apartment. See Initial Decision at 3-5. Thereafter, the record reflects that Petitioner moved into another apartment and applied for EA benefits, but was denied said benefits by the Agency, and a six-month EA ineligibility penalty imposed, on the basis that she had abandoned permanent affordable housing, thereby causing her own homelessness, and denied on the basis that she had sufficient income and the capacity to pay her rent. See Initial Decision at 3-4; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.1(c)(1)(ii), (c)(3)(vii). However, based on Petitioner's credible testimony, and her concern for the safety of her minor child, the ALJ concluded that Petitioner had good cause for abandoning her apartment, and therefore, that she did not cause her own homelessness. See Initial Decision at 3-5; see also N.J.A.C. 10:90-6.1(c)(3). Moreover, the ALJ found that the police report documenting Petitioner's altercation with her mother, was not controlling here, as Petitioner had neither been charged with, nor convicted of a crime pursuant to that alleged altercation. See Initial Decision at 5; see also Exhibit R-1 at 5-7. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, on that basis, was improper, and modified the Agency's determination accordingly. See Initial Decision at 5-6; see also Exhibit R-1 at 1-4. I agree. However, the ALJ further concluded that the Agency's denial of EA benefits to Petitioner on the basis that she was ineligible for EA benefits due to sufficient income to pay her rent, was proper and must stand, and as such, affirmed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 3, 5-6; see also Exhibit R-1 at 8-11, and N.J.A.C. 10:90-6.1(a), (c). I also agree.

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 may reapply for EA benefits should her circumstances change.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED in part, and MODIFIED in part, as outlined above.

Officially approved final version. June 18, 2024

Natasha Johnson
Assistant Commissioner

