



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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Lt. Governor

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 **14834-24 D.S.**

AGENCY DKT. NO. **S971602009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits, contending that she failed to establish that she was homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Beginning on October 23, and concluding on October 24, 2024, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 25, 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 2-5. Specifically, the ALJ found Petitioner's testimony credible, and the record provided at the time of the hearing substantiates, that Petitioner left her mother's Section 8 housing, due to domestic violence perpetrated by her mother and her mother's boyfriend, which Petitioner credibly testified would continue if she returned to the apartment. See Initial Decision at 3-4. Accordingly, the ALJ found that Petitioner had good cause for leaving said housing and not returning, is currently homeless, and was also left without a realistic capacity to engage in advance planning to avoid her homelessness or to secure appropriate housing. See Initial Decision at 2-5; see also Exhibits P-1 through P-3, and N.J.A.C. 10:90-6.1(c)(1)(iii). Based on the foregoing, and the fact that no testimony or argument was presented by the Agency to indicate that Petitioner was not otherwise eligible for EA benefits, the ALJ found Petitioner eligible for EA benefits, and concluded that the Agency's denial of EA benefits to Petitioner, on the basis that Petitioner had failed to establish that she was homeless or imminently homeless, was improper and must be reversed. See Initial Decision at 4-5; see also Exhibit P-4, and N.J.A.C. 10:90-6.1(c)(3). Based on the particular circumstances presented by Petitioner, I 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.

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



Officially approved final version. October 30, 2024

Natasha Johnson
Assistant Commissioner

