



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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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 16621-24 G.P.

AGENCY DKT. NO. C343657007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent, 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 the capacity to plan to avoid her emergent situation, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 2, 2024, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 4, 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, based on Petitioner's credible testimony, the ALJ found that due to a series of unfortunate events, such as the loss of her job, the loss of the help of her son's Supplemental Security Income benefits, the complete break-down of her car, and her mental health issues, and numerous physical issues, Petitioner was without a realistic capacity to engage in advance planning to avoid her imminent homelessness or to secure appropriate housing. Id. at 2-3; see also Exhibit P-1. Moreover, the ALJ found that Petitioner had taken steps to locate employment and reached out to other agencies to help address her imminent homelessness, but to no avail. See Initial Decision at 3-4. Further, the ALJ found that Petitioner had held off on applying for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and EA benefits, until all other avenues of employment and housing assistance had been exhausted. Id. at 2-4; see also Exhibit R-4. Based on the foregoing, the ALJ found that Petitioner's imminent homelessness was due to circumstances beyond her control, and as such, concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 5; see also Exhibit R-5, and N.J.A.C. 10:90-6.1(c). Based on the particular circumstances of this case, I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 it is the Agency who determines the most appropriate form of EA benefits required to address her needs, which may include shelter placement. N.J.A.C. 10:90-6.3(a)(1). However, the Agency is reminded that Temporary Rental Assistance ("TRA") is the preferred form of EA benefits in all circumstances, as appropriate. See N.J.A.C. 10:90-6.3(a)(6). If Petitioner's December 6, 2024, eviction can be prevented, the Agency is



directed to take into consideration providing EA benefits in the form of back rent required to bring Petitioner current, as well as, prospective EA/TRA benefits, taking into account that Petitioner's rent of \$1,400 per month is below the Fair Market Rent for a -0- bedroom apartment in Essex County at \$1,551. See Exhibits P-1, R-2 at 2; see also DFD Informational Transmittal No. 24-19.

By way of further comment, based upon the record in this matter, the Agency is directed to refer Petitioner for a Behavioral Health Initiative evaluation, if it has not already done so. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Should that assessment require Petitioner to engage in treatment, that requirement shall be incorporated into her Individual Responsibility Plan ("IRP") and her EA Service Plan ("SP"). See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii). Petitioner is advised that failure to participate in any required treatment may result in the termination of her EA benefits, and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.6(a).

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

Officially approved final version. December 04, 2024

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Natasha Johnson  
Assistant Commissioner

