



State of New Jersey

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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 **05469-24 J.J.**

AGENCY DKT. NO. **C189222009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she moved to New Jersey ("NJ") without a plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for April 30, 2024, on which day the Honorable Andrea Perry Villani, Administrative Law Judge ("ALJ"), held a telephone conference on the matter and the parties agreed to adjourn the matter for one day, during which time Petitioner submitted documents that she had previously submitted to the Agency, and settlement of the matter was also discussed. On May 1, 2024, the parties advised that settlement had not been reached, and the ALJ then held the plenary hearing, took testimony, and admitted documents.

On May 2, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner, her husband and three children had been living in South Carolina. See Initial Decision at 2. Petitioner and her husband grew up in NJ, but moved to South Carolina in 2017 to care for a family member. *Ibid.* The record reflects that the cost of living was less in South Carolina, and both Petitioner and her husband were employed there, until 2020, when they both lost their jobs. *Id.* at 3. Thereafter, Petitioner was eventually able to find alternate employment, although based on the facts presented, the work environment was not the best, and eventually Petitioner's hours were reduced and the family fell behind in their rent and other bills. *Ibid.* As the family had a support system back in NJ, it was decided to move back to NJ. *Id.* at 4. The family's plan was to live with family who could help with the children while Petitioner and her husband sought employment. *Ibid.* In February 2024, after receiving an eviction notice in South Carolina, the family went forward with their plan and moved to NJ. *Ibid.* After residing for a short time with their family member in NJ, they were asked to leave because the family member had received complaints about too many people being in the apartment. *Ibid.* The family used their savings to pay for a motel room, and then applied for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), Supplemental Nutrition Assistance Program ("SNAP") and EA benefits on March 17, 2024. *Ibid.* When the family's savings were depleted and they could no longer pay for the motel room, the Agency provided the family with temporary housing on an immediate need basis, but which is not indefinite, and thereafter, on April 26, 2024, the family was provided a temporary placement at another motel by a different organization. *Id.* at 5. On April 23, 2024, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, claiming that Petitioner had abandoned permanent housing in South Carolina, that she had voluntarily left her employment in South Carolina, and had come to NJ without a plan for self-sufficiency. See Exhibit R-4. Based on Petitioner's particular circumstances, as outlined above, the ALJ found that Petitioner did have good cause for leaving South Carolina and returning to NJ. See Initial Decision at 5. Further, the ALJ found that Petitioner did, in fact, come to NJ with a plan, and when that plan did not work out, Petitioner utilized her savings first, before resorting to applying for benefits. *Id.* at 6. 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, were improper and must be reversed. Ibid.; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c). I agree.

No Exceptions to the Initial Decision were received.

As the 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. May 08, 2024

Natasha Johnson
Assistant Commissioner

