



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 **08146-24 J.P.**

AGENCY DKT. NO. **C860516007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 Petitioner caused his own emergent situation, and contending that he failed to provide proof of an emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 19, 2024, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 19, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on June 24, 2024.

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 MODIFY 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). Such documentation may be in the form of a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. *Ibid.* EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

Here, based on an independent review of the record, I find that, other than Petitioner's application attesting to his homelessness, there is nothing in the record demonstrating that Petitioner is homeless or imminently homeless, a threshold requirement for EA benefits eligibility. See N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). Specifically, Petitioner has not provided proof of eviction, nor has he provided the Temporary Restraining Order ("TRO") which he stated is the reason that he may not continue to reside with his son. See Initial Decision at 2-3. On that basis alone, I find that Petitioner is ineligible for EA benefits at this time, and accordingly, I affirm the Agency's denial of EA benefits to Petitioner, and reverse its imposition of a six-month EA ineligibility penalty, as such penalty does not apply in accordance with the aforementioned basis for denial. See Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3), -6.3(a)(1)(ii). Additionally, based on facts presented, I agree with the ALJ's finding that Petitioner lacked the capacity to plan to avoid his emergent situation, and as such, concur with the ALJ's conclusion that the Agency's denial of EA benefits, and the imposition of a six-month EA ineligibility penalty, on the basis that Petitioner had failed to plan to avoid his emergency, thereby causing his own



homelessness, was improper. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1)(i), (ii). The Initial Decision and the Agency's determination, are modified to reflect these findings.

Based on the foregoing, I find that Petitioner may reapply for EA benefits, and that he must provide proof of homelessness, which must include the TRO, or permanent restraining order, if such document(s) are issued by a court and form the basis of the reason for Petitioner's claimed homelessness. Petitioner is advised that if a TRO or permanent restraining order are issued by a court, then the Agency may again deny Petitioner EA benefits, on the basis that his behavior directly caused his emergent situation, and a six-month ineligibility penalty may be imposed. See Initial Decision at 2-4; see also Exhibit R-5, and N.J.A.C. 10:90-6.1(c)(3)(vi).

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

Officially approved final version.      June 27, 2024

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Natasha Johnson  
Assistant Commissioner

