



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 **13082-24 K.T.**

AGENCY DKT. NO. **C754314007 (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 eligibility for EA benefits. The Agency denied Petitioner's EA benefits, and imposed a six-month EA penalty, contending that she had the capacity to plan to avoid her emergent situation, but failed to take reasonable steps to resolve her emergency, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 23, 2024, the Honorable Julio C. Morejon, Administrative Law Judge, ("ALJ"), held an emergent telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On September 24, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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 ADOPT the ALJ's Initial Decision, and REVERSE 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). Additionally, EA shall not be provided for a period of six months when an applicant has caused his or her homelessness, without good cause. See N.J.A.C. 10:90-6.1(c)(3).

Here, the record reveals that Petitioner initially applied for EA benefits in May 2024, after being evicted from her mother's home. See Initial Decision at 3. That application was denied on May 22, 2024, due to Petitioner not being a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient, as well as for failing to take reasonable steps to avoid the emergent situation and no proof of emergency. *Ibid.*; see also Exhibit R-4.

Following the May 2024 EA denial, Petitioner testified that she applied for shelter via the City of Newark's Department of Health and Community Wellness, who placed her at a shelter for single women during May and June 2024. See Initial Decision at 3. Following the birth of her youngest child, at the end of June 2024, Petitioner testified that she was no longer able to reside at the shelter, as it housed single women and not homeless mothers with children, and that the shelter conditions were unsanitary which led her to leave the shelter placement during July 2024. *Ibid.*



On September 16, 2024, Petitioner again applied for EA benefits, and was again denied by the Agency for failing to take reasonable steps to resolve her emergency, specifically that she had been placed at a shelter and voluntarily abandoned the shelter placement. See Initial Decision at 2; see also Exhibit R-3, N.J.A.C. 10:90-6.1(c)(vi) and 10:90-6.4(b). Additionally, the Agency imposed a six-month EA ineligibility penalty. Ibid.

At the time of the hearing, Petitioner was a recipient of WFNJ/Temporary Assistance to Needy Families ("TANF") with an assistance unit consisting of herself, the father of her children, and three minor children. See Initial Decision at 2-3. The record reflects Petitioner's testimony that she and the father of her children are currently homeless and take turns sleeping in a vehicle while her three children temporarily reside with their paternal grandmother. See Initial Decision at 3.

The Agency representative in this case indicated that she had contacted Newark Housing, as well as the shelter where Petitioner indicated she stayed, and that neither had any record of Petitioner being placed or staying at the shelter during the time period at issue. See Initial Decision at 4. No direct testimony or documentation was presented, however, to substantiate this assertion. The Agency representative further testified that Petitioner did not present any record of an eviction from her mother's home in May 2024 nor any records regarding how she became homeless. Ibid.; see also Exhibits R-1 and R-2.

The ALJ found Petitioner's testimony to be credible regarding the circumstances of her homelessness, the efforts she undertook to resolve her housing emergency, and the reason why she left the shelter placement. See Initial Decision at 7. While the Agency asserted that the Newark Housing and shelter had no record of Petitioner being provided shelter, and such would certainly lead to a reasonable basis to deny Petitioner's application, based on Petitioner's credible testimony and the lack of any substantiating documentation to support the Agency's position, the ALJ concluded that Petitioner took reasonable steps to resolve her emergency and that her behavior did not cause her own homelessness. See Initial Decision at 5, 7. As such, the ALJ concluded that the Agency failed to establish, by a preponderance of the evidence, that Petitioner should be denied EA benefits, and a six-month EA penalty imposed, and therefore, the Agency's denial should be reversed. Ibid. Following an independent review of the record, and based on the particular circumstances presented in this case, I agree with the ALJ's finding and direct the Agency to expeditiously provide Petitioner's assistance unit with EA benefits.

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 is advised that the Agency shall determine the appropriate form of EA placement necessary to address the emergent situation. See N.J.A.C. 10:90-6.3(a)(1).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination in this matter is REVERSED, as outlined above.

Officially approved final version. September 26, 2024

Natasha Johnson
Assistant Commissioner

