



## 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 11537-24 M.G.

AGENCY DKT. NO. C290761009 (HUDSON COUNTY DEPT OF FAM SVCS)

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's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had abandoned affordable housing, and that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness, and that she had failed to provide the required documentation needed to determine EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An hearing was initially scheduled for August 23, 2024, but was adjourned to August 26, 2024, to allow the parties additional time to attempt to resolve the matter. The matter was not resolved, and on August 26, 2024, the Honorable R. Tali Epstein, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 27, 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 2-7. Specifically, the ALJ found Petitioner credible when she testified that she had moved from New Jersey ("NJ") to the Philippines to take care of her ailing mother, that she was provided with housing and financial support by her siblings while she was caring for her mother, that after a permanent caregiver was appointed to care for her mother, her siblings stopped all financial support and housing accommodations, and that, consequently, Petitioner, an American citizen, had no option but to move back to New Jersey where she had previously resided for many years. See Initial Decision at 3-4, 6. The ALJ also found that Petitioner, had been employed as a nurses' assistant prior to leaving NJ, and had come back to NJ with a plan to obtain a recertification of her nursing assistance license, and that in the interim, she has been diligently looking for employment, but requires housing to facilitate her continued employment search. Id. at 4; see also Exhibits P-2, P-3. The ALJ also found that Petitioner had provided all documents to the Agency that she was able to obtain, which were sufficient for the Agency to determine her EA benefits eligibility. See Initial Decision at 6; see also Exhibit R-1. The record also reflects that Petitioner is imminently homeless. See Initial Decision at 3; see also Exhibit R-5. The ALJ further found that the Agency had failed to prove, by a preponderance of the credible evidence, that Petitioner had the capacity to plan to avoid her emergent situation and/or that she had abandoned permanent housing in the Philippines. See Initial Decision at 5-6. 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. Id. at 6; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c). I agree.

No Exceptions to the Initial Decision were received.



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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. September 05, 2024

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Natasha Johnson  
Assistant Commissioner

