



## 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 15301-24 P.Y.

AGENCY DKT. NO. C019594005 (CAPE MAY COUNTY BD. OF SOC. 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 he had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 6, 2024, the Honorable Kimberley M. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 7, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination as to the denial of EA and the imposition of a six-month period of ineligibility for benefits.

No Exceptions to the Initial Decision were received.

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 hereby ADOPT the Initial Decision, REVERSE the Agency's determination and REMAND to the Agency for further action, based on the discussion below.

In order to be eligible for EA benefits, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). Additionally, 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." See N.J.A.C. 10:90-6.1(c)(3). Further, EA benefits are "available in situations where there is an indication that an individual ... left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit." N.J.A.C. 10:90-6.1(c)(7).

Here, Petitioner applied for EA benefits on September 30, 2024, and was placed in a motel on an "immediate need" basis while his EA eligibility was evaluated by the Agency. See Initial Decision at 2; see also Exhibit R-1 at 10-14. Petitioner had been involved in a criminal/domestic violence incident involving law enforcement at his residence on September 28, 2024, which resulted in his spouse obtaining a Temporary Restraining Order ("TRO") that barred Petitioner from residing in, or returning to, the residence. See Initial Decision at 2; see also Exhibit R-1 at 16-18. Petitioner had resided at the residence since July 2024, however, only his spouse is named on the lease for the property. Ibid. Petitioner appeared for his scheduled Superior Court hearing on October 10, 2024, at which time the Superior Court entered an Order of Dismissal of the TRO, indicating that Petitioner's spouse had requested to dismiss the matter. See Initial Decision at 3; see also Exhibit R-2. The Order of Dismissal does not include any language preventing Petitioner from returning to the residence, however, he is not on the lease. See Initial Decision at 3. On or about October 30, 2024, the Agency denied Petitioner EA benefits, and assessed a six-month period of ineligibility for EA benefits, contending that was ineligible to



receive EA benefits because he caused his own homelessness. See Initial Decision at 3; see also Exhibit R-1 at 23-25. The ALJ found, and the record substantiates, that Petitioner was required to leave his prior residence due to a TRO, however, that TRO was dismissed and the Agency did not further contact Petitioner to determine whether the information contained in the TRO was accurate, nor regarding the status of the TRO, which had been dismissed during the thirty days he was receiving "immediate need" assistance, thus the Agency had based the entire determination on the information alleged in the TRO. See Initial Decision at 6. The ALJ further relied upon Petitioner's credible testimony, and a recording of the domestic incident, in determining that the written contents of the TRO may not align completely with the recorded conversation. Ibid. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits, and the imposition of a six-month EA ineligibility period, were improper as Petitioner did not cause his eviction from his prior residence. See Initial Decision at 7-9. I agree.

Further, the ALJ found that, although the Order of Dismissal does not bar Petitioner from returning to his prior residence, Petitioner credibly testified that under his particular circumstances, he may not wish to return to the residence. Id. at

8. In addition, the ALJ ordered that the matter be remanded to the Agency to reevaluate Petitioner's EA application to make a determination regarding his eligibility for EA benefits as he did not cause his own homelessness. Id. at 8-9.

Based on the foregoing, I find that Petitioner left his prior residence due to a domestic incident, that he did not cause his own homelessness, and that he is imminently homeless. Therefore, I also agree with the ALJ's conclusion that the Agency improperly denied Petitioner EA benefits and improperly imposed six-month EA disqualification period. Id. at 7-9; see also N.J.A.C. 10:90-6.1(c)(7). As such, I am remanding the matter to the Agency for an EA eligibility determination. Should that EA eligibility review result in another denial of EA benefits, Petitioner may make another fair hearing request on that subsequent denial.

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

Officially approved final version.

November 21, 2024

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Natasha Johnson

Assistant Commissioner

