



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **14498-24 R.H.**

AGENCY DKT. NO. **C330289007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner an extension of EA benefits pursuant to the Emergency Assistance for Special Groups ("EASG") pilot, and imposed a six-month EA ineligibility penalty, contending that Petitioner refused shelter placement, and failed to plan to avoid her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 18, 2024, the Honorable Kimberly K. Holmes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 21, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on October 23, 2024.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 AFFIRM the Agency's determination, based on the discussion below.

State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), and the State of New Jersey Senate Bill, No. S3960, P.L. 2023, c. 198, effective December 21, 2023 ("S3960"), now codified at N.J.S.A. 44:10-51(a)(3), also known as EASG, extends EA benefits eligibility for certain categories of individuals, including, but not limited to Work First New Jersey ("WFNJ") recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and Supplemental Security Income ("SSI") benefits recipients, and WFNJ benefits recipients who are the sole caretaker of a disabled or seriously ill child or family member, as documented by a twelve (12) month WFNJ 5S-DEP ("MED-5") form. See DFD Instruction ("DFDI") No. 24-03-01.

Here, contrary to the ALJ's finding, the record reflects that currently, and at the time of the Agency's denial of an EASG extension of EA benefits to Petitioner, she was not a WFNJ or SSI benefits recipient, a threshold requirement for EA benefits, as well as an EASG extension of EA benefits, and on those bases, alone, I concur with the ALJ's conclusion that the Agency's denial of an extension of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3; see also Exhibits P-1 at 4, R-1 at 4-7, 9, 17, and N.J.A.C. 10:90-6.2(a), N.J.S.A. 44:10-51(a)(3). Further, I find that the imposition of a six-month EA ineligibility penalty is not appropriate in this instance, as Petitioner has not caused her own homelessness. See N.J.A.C. 10:90-6.1(c)(3). The Initial Decision is modified to reflect these findings.

Further, based on an independent review of the record, I find that based on Petitioner's particular circumstances, specifically taking into consideration the welfare of her severely autistic adult child, I find that the Agency's referral for



two separate shelter placements was inappropriate, and Petitioner's refusal of such placement was warranted. See Initial Decision at 2-3; see also Exhibit P-1 at 7-8. Accordingly, I find that the aforementioned may not form the basis for a denial of EA benefits in this instance, or in any future denial of EA benefits. See N.J.A.C. 10:90-6.3(a)(1). Additionally, I find that there is no proof in the record to corroborate the Agency's assertion that Petitioner was evicted from her former housing for non-payment of rent. See Initial Decision at 2-3, 5; see also Exhibit P-1 at 13, P-2. Accordingly, I find that the aforementioned may not form the basis for a denial of EA benefits in this instance, or in any future denial of EA benefits. See N.J.A.C. 10:90-6.1(c)(3). Further, the record reflects that Petitioner had received \$3,000 from her landlord to move out of her apartment, and the Agency asserted that she failed to use that money to pay the back rent, but failed to do so, thereby causing her own homelessness. See Initial Decision at 3. However, the record reflects, and Petitioner's Exhibit P-1 at 7 reiterates, that she was given that money to leave the apartment, and said monies could not be used to pay her back rent. Petitioner's Exhibit P-1 at 7 also states that Petitioner had used that \$3,000 to house her and her autistic son in hotels. The record is also devoid of any indication that the Agency requested evidence of a spend-down of those funds on items "deemed appropriate, necessary, or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." See N.J.A.C. 10:90-6.1(c)(1)(ii). Accordingly, I find that the aforementioned may not form the basis for the Agency's denial of EA benefits, in this instance, only. Ibid. The Initial Decision is also modified to reflect these findings.

By way of comment, should Petitioner's circumstances change, specifically, should she apply for, and be approved for, WFNJ/General Assistance benefits, and/or provide the Agency with a MED-5, sole care taker form, she may reapply for EA benefits. Of note to the Agency, the record reflects that Petitioner may qualify for a 7-year disregard, thereby making her eligible for EA benefits without the need for an EASG extension. See Exhibit R-1 at 17; see also DFDI 19-07-01. Petitioner is advised, however, that at the time of reapplication for EA benefits, she must provide the Agency with a spend-down of the \$3,000 given to her by her landlord. See Initial Decision at 3; see also Exhibit P-1 at 7.

By way of further comment, Petitioner is advised that she may currently apply for EA benefits on behalf of her adult autistic child, an SSI benefits recipient. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a).

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

Officially approved final version. October 29, 2024

Natasha Johnson
Assistant Commissioner

