



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 12994-24 T.G.

AGENCY DKT. NO. C704211007 (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 she moved to New Jersey ("NJ") without a plan, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 19, 2024, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also, on September 19, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination and concluding that a denial of EA benefits should have been premised upon Petitioner not being a recipient of Work First New Jersey/ Temporary Assistance for Needy Families ("WFNJ/TANF"). Here, based on Petitioner's credible testimony, the ALJ found that, through no fault of her own, Petitioner became homeless after moving to New Jersey ("NJ") during May 2024; that she had planned to reside with her sister in NJ and had employment; and that she became homeless after her she was unexpectedly evicted during July 2024 due to an illegal sublet of the apartment where she was residing. See Initial Decision at 2-3. The Agency did not refute Petitioner's credibility. See N.J.A.C. 1:1-18.6(c). 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, on the basis that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness, was improper and must be reversed. See Initial Decision at 5-6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). I agree.

The ALJ found that Petitioner has applied for WFNJ/TANF benefits but that, at the time of the EA application, an eligibility determination for WFNJ benefits had not yet been made. See Initial Decision at 2-3. Applicable regulatory authority mandates that, in order to be eligible for EA benefits, an individual must be a WFNJ, or a Supplemental Security Income ("SSI"), benefits recipient. See N.J.A.C. 10:90-6.2(a). As it is clear from the record that Petitioner is not yet a WFNJ benefits recipient, nor an SSI benefits recipient, Petitioner is presently ineligible for EA benefits. Ibid. Accordingly, the ALJ concluded that the Agency's determination was improper as to the basis for the denial of EA benefits (that Petitioner moved to NJ without a plan), and that the Agency should have denied Petitioner EA benefits as she was not receiving WFNJ or SSI benefits. See Initial Decision at 2-5. I also agree.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



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By way of comment, the Agency may place Petitioner on an Immediate Need basis until such time as an eligibility determination has been made regarding her WFNJ benefits application. If Petitioner is subsequently denied WFNJ and/or EA benefits, she is without prejudice to request additional fair hearings on such denial(s).

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is ADOPTED, and the Agency's determination is hereby REVERSED.

Officially approved final version. September 26, 2024

Natasha Johnson
Assistant Commissioner

