



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 12285-24 T.L.

AGENCY DKT. NO. **C064268005 (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 his emergency was not beyond his control, and as such, he had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter had previously been transmitted, twice, as an emergent proceeding. The first scheduled hearing was noted as withdrawn by Petitioner, however, Petitioner contested this withdraw and the matter was relisted. Petitioner did not appear for the rescheduled emergent hearing. Petitioner made a third request for a hearing, based upon the same issue, which was not transmitted as an emergent hearing. On October 17, 2024 the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record closed. On October 21, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were filed by Petitioner on October 31, 2024.

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 AFFIRM the Agency's determinations, based on the discussion below.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, EA benefits shall not be provided for a period of six months "when an adult EA applicant or recipient has caused his or her own homelessness, without good cause[.]" Specifically, an applicant/recipient is ineligible for EA benefits for a period of six months when the applicant's behavior directly caused the emergent situation. See N.J.A.C.10:90-6.1(c)(3)(vii).

Here, the ALJ found, and the record substantiates, that Petitioner's emergent situation arose following a domestic criminal incident on May 25, 2024, which resulted in a Municipal Court Judge granting a New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order ("TRO"). See Initial Decision at 2. Petitioner was personally served the TRO by a police officer on May 25, 2024, which required that Petitioner be removed and barred from returning to his residence. Ibid.; see also Exhibit R-1 at 18-32. Petitioner applied for EA benefits on May 29, 2024. See Initial Decision at 2. A final hearing on the TRO was scheduled for May 30, 2024 in the Superior Court. Ibid.; see also Exhibit R-1 at 22. Petitioner's EA application was denied by the Agency by notice of July 8, 2024, with the sole basis for the denial being the TRO. See Initial Decision at 3; see also Exhibit R-1 at 13. Petitioner denies the allegations contained in the TRO. See Initial Decision at 3.



Based on the foregoing, the ALJ, having taken judicial notice of the TRO pursuant to N.J.A.C. 1:1-15.2 and N.J.R.E. 201(b)(4), concluded that Petitioner's behavior directly caused his eviction from his housing, and as such, that he had caused his own homelessness. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3)(iii). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c)(3). I agree.

By way of comment, Petitioner has the right to defend against all charges made against him in the appropriate legal forum, and no determination as to a Final Restraining Order ("FRO") was stated on, or included in, the record, so both the Initial Decision and the Final Decision are limited in scope as to the appropriate application of the regulations to Petitioner's May 29, 2024, EA application. See Initial Decision at 6.

By way of additional comment, if the underlying criminal matter or TRO have been dismissed, Petitioner shall be without prejudice to reapply for EA benefits, prior to the end of the six-month disqualification period, and to have such application considered for eligibility by the Agency.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version. December 12, 2024

Natasha Johnson
Assistant Commissioner

