



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **10183-24 V.J.**

AGENCY DKT. NO. **C408156007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to report that his wife ("B.F.") was living in his household, failed to report B.F.'s income, and that B.F. had voluntarily quit employment, thereby causing the household's homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 30, 2024, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

No Exceptions to the Initial Decision were received.

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 MODIFY the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1). Of note, immediate need assistance is not EA, and the termination of immediate need assistance is not appealable.

First, based on an independent review of the record, I find that Petitioner was provided with immediate need housing benefits, and as immediate need housing assistance is not EA, a termination of immediate need assistance is not considered a termination of EA benefits, and is therefore, not appealable. See Initial Decision at 3, 5; see also Exhibit R-2, and N.J.A.C. 10:90-1.3(a). Rather, I find that this matter is to be considered a denial of Petitioner's EA benefits application, and as such, I am considering the facts, and the ALJ's findings and conclusions in accordance with N.J.A.C. 10:90-6.1(c), -6.1(c)(2), (3). The Initial Decision and the Agency's determination are modified to reflect this finding.

Here, the record reflects that Petitioner applied for EA benefits on May 28, 2024, wherein he stated that his household consisted of himself and his minor daughter. See Initial Decision at 2; see also Exhibit R-4. At that time, Petitioner and his daughter were placed in immediate need housing. See Initial Decision at 3, 5; see also Exhibit R-2. Thereafter, on May 30, 2024, the Agency terminated Petitioner's immediate need housing assistance, and imposed a six-month EA



ineligibility penalty, contending that P.F. was residing with Petitioner, that he had failed to report that P.F. was residing with him in said housing placement, that he failed to report her income, and that P.F. had voluntarily quit employment, resulting in the family's eviction from prior housing, thereby causing the household's homelessness. See Initial Decision at 3; see also Exhibits R-1, R-6, R-10; see also N.J.A.C. 10:90-6.1(c)(3). However, based on Petitioner's credible testimony, and the documentation provided, the ALJ found that P.F. had not been a member of Petitioner's household since January 2024, that P.F. showed up at said housing placement and was permitted to stay for one night on a charity basis, and that she did not reside with Petitioner at said placement. See Initial Decision at 2-4. The ALJ also found that Petitioner was not a member of Petitioner's household at the time of her voluntary quit of employment. See Initial Decision at 3; see also Exhibit R-10. It also appears from the record that Petitioner was unable to pay the rent on his prior apartment when his wife, the household's only source of income at that time, left the family in January 2024. See Initial Decision at 2, 5; see also Exhibit R-6. The record reflects that Petitioner is now homeless, and that the only source of income is his minor daughter's Supplemental Security Income ("SSI") benefits. See Initial Decision at 2; see also Exhibit R-14. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 5-6; see also Exhibit R-1. I agree. However, I find that the correct adverse action in this case, should have been a denial of Petitioner's EA benefits application, as discussed above, and in that regard concur with ALJ's ultimate conclusion in reversing the Agency's determination. The Initial Decision and the Agency's determination are both modified to reflect this finding.

By way of comment, the Agency is to expedite the approval of Petitioner's May 28, 2024, EA benefits application, and to provide Petitioner with immediate need placement in the interim. See N.J.A.C. 10:90-1.3(a). Petitioner is advised that should he again be denied EA benefits that he may request another fair hearing on that subsequent denial.

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

Officially approved final version. August 01, 2024

Natasha Johnson
Assistant Commissioner

