



## 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 **17410-24 Y.P.**

AGENCY DKT. NO. **C411019016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she moved to New Jersey ("NJ") without a plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 17, 2024, the Honorable Bindi Merchant, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open for the parties to submit summations and then closed on December 18, 2024.

On December 19, 2024, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits, and further imposing a six-month period of EA ineligibility. Here, the ALJ found that Petitioner moved to NJ from the Dominican Republic without an offer of employment or without a plan for permanent housing, and that her plan was to move to NJ and temporarily reside with her friends until she could "settle herself." See Initial Decision at 2; see also Exhibits P-2, P-3, P-4, R-2 at 9. The ALJ also found that Petitioner had offered no good cause reason for her lack of planning to secure permanent housing, and offered no proof of having searched for employment while in NJ. See Initial Decision at 3; see also Exhibit P-1. Based on the testimony and record provided, the ALJ concluded that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own imminent homelessness. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 6-7. I agree. The ALJ further found that, because Petitioner had left the Dominican Republic, where she had shelter, a six-month EA ineligibility penalty was warranted. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3). I also agree. The Agency's adverse action is modified to reflect this finding.

Exceptions to the Initial Decision were received from counsel for Petitioner on December 19, 2024.

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.

By way of comment, Petitioner is advised that her six-month EA ineligibility penalty shall run from November 15, 2024, the effective date of the Agency's denial, through May 15, 2025.

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.



Also by way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner and 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 determination is MODIFIED, as outlined above.

Officially approved final version. December 24, 2024

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Natasha Johnson  
Assistant Commissioner

