



State of New Jersey

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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 05503-25 C.C.

AGENCY DKT. NO. C104276003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

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 had refused an Agency placement, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 2, 2025, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 3, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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 MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter back to Agency for action, based on the discussion below.

Only Work First New Jersey ("WFNJ") cash assistance recipients and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

N.J.A.C. 10:90-6.3(g) states that, "[p]rior to EA termination, the agencies shall review, with the recipient, the reason(s) for the termination. If additional barriers are identified that may have prevented EA compliance, then the recipient is considered to have good cause and shall not be terminated and a penalty shall not be imposed. The recipient shall be required to follow through with services to address those barriers for continued EA eligibility. Such services shall be identified as mandatory activities in the [SP]."

The record in this matter reflects that Petitioner and his girlfriend, S.R., had both been individually receiving WFNJ/ General Assistance ("WFNJ/GA") benefits at the time of their application for EA benefits in September, 2024. See Initial Decision at 2. Petitioner and S.R. were approved for a month of immediate need housing, and thereafter received EA benefits through January 2025. Id. at 2-3. The Agency placed Petitioner and S.R. at various motel placements. Id. at 3. On January 15, 2025, the Agency placed the couple at a motel in Pleasantville, New Jersey, but they did not appear at the placement, and the Agency terminated Petitioner's EA benefits, effective January 15, 2025, and imposed a six-month EA ineligibility penalty. Ibid. Petitioner testified that the couple did not go to the Pleasantville placement, because it was too far from Burlington County, that S.R. was required to report to her parole office in Burlington County each week, that they had no transportation and failure to report as required could risk S.R. being incarcerated. Id. at 4-5. The ALJ noted that the Agency was aware of these restrictions, but it seemed that these particular circumstances were not



necessarily considered when placing the couple, although it was unclear if the Pleasantville location was the only location available location at that time. Id. at 6-7. Additionally, Petitioner were unaware that they could request transportation assistance, and there is no indication that such was offered by the Agency, which could have alleviated Petitioner and S.R.'s concerns about the distant EA placement. Id. at 7. Further, while it was clear that the Agency reviewed the reason for the EA termination with Petitioner and S.R., there was no evidence to show that the Agency representative had discussed barriers to EA compliance with the couple. Id. at 7-8; see also N.J.A.C. 10:90-6.3(g). Based on the foregoing, and specifically Petitioner and S.R.'s particular circumstances, the ALJ found that good cause had been presented for the couple's EA noncompliance, and as such, the Agency's termination of EA benefits, and the imposition of a six-month EA ineligibility penalty, must be reversed. See Initial Decision at 8.

While I agree with the ALJ's final conclusion with respect to the EA benefits termination, the ALJ did not address the threshold requirement for EA benefits eligibility, namely whether Petitioner is presently a WFNJ/GA benefits recipient. See N.J.A.C. 10:90-6.2(a). I take official notice of the fact that the records of this Agency show that Petitioner did not complete his redetermination for WFNJ/GA benefits in late January 2025, resulting in his WFNJ/GA benefits being terminated on January 31, 2025. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Agency records further show that Petitioner only recently reapplied for WFNJ/GA benefits, with said benefits application presently in pending status. As such, I am remanding this matter back to the Agency for action as follows. The Agency is to expedite Petitioner's pending WFNJ/GA application. While the application is pending, and provided that S.R. is receiving WFNJ/GA benefits, or has taken the necessary steps for redetermination if applicable, the Agency shall provide appropriate immediate need housing to Petitioner and S.R., taking into consideration the particular circumstances as raised in this Final Agency Decision. The Initial Decision is modified to reflect these findings and directives.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is REVERSED, and the case is REMANDED to the Agency for action, as outlined above.

Officially approved final version. April 15, 2025

Natasha Johnson
Assistant Commissioner

