



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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*Lt. Governor*

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 **10100-25 D.C.**

AGENCY DKT. NO. **C662280007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application for EA benefits, contending that she had the capacity to plan to avoid her emergency, but failed to do so, and that she had failed to provide proof of eviction notice/proof of emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 17, 2025, the Honorable Kimberley K. Holmes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 18, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner's counsel on June 26, 2025.

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 determination, based on the discussion below.

In order to be EA eligible, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). The lack of a realistic capacity to plan exists when the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure, or loss of prior permanent housing. See N.J.A.C. 10:90-6.1(c)(1)(i). Ibid.

Here, the record reflects that Petitioner applied for EA benefits, in the form of back rent, on May 20, 2025. See Initial Decision at 3. At the time of her application, Petitioner had an outstanding balance of \$9,143.89 of rent owed. Id. at 3; see also Exhibit P-1. On that same date, Petitioner's EA application was denied as the Agency cited that Petitioner did not provide verification of any attempts to obtain employment, that she made no attempt to obtain residual unemployment benefits, and that she did not provide rent ledger receipts as requested. Ibid. On May 29, 2025, the Agency re-evaluated Petitioner's application based upon additional information being submitted, however, her application was again denied. Ibid. Petitioner had previously been employed until June 2024, at which time she began receiving unemployment benefits. See Initial Decision at 3. No documentary evidence was presented to show any rental payments, including any allocation of any unemployment benefits being used towards rent payments. Ibid. The ALJ found that Petitioner had failed to provide the Agency with information regarding her attempts to obtain employment, any efforts to obtain residual unemployment benefits, as well as any proof of rental payments made, or a rental ledger stating the outstanding rent balance. See Initial Decision at 4. Based on the foregoing, the ALJ found that Petitioner had the capacity to plan, but failed to do so, without good cause, and that she was not experiencing an emergency at the time of her EA benefits application. Id. at



4. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. Id. at 4; see also N.J.A.C. 10:90-6.1(c)(1), (3). I agree.

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, I have reviewed Petitioner's Exceptions, and I find that the arguments therein do not alter my decision in this matter, however, should further documentary evidence be made available to the Agency, which substantiates the statements made within the Exceptions, same shall be further evaluated and considered by the Agency.

By way of further comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b). In particular, of concern is the total lack of documentary evidence being entered by the Agency in this matter for consideration by the ALJ in rendering her decision. Further, Petitioner's counsel mentions in her Exceptions that the Agency never provided requested records in this matter. By way of example, assertions made both within the Initial Decision, as well as in Petitioner's Exceptions, would have carried more significant weight should any documentary evidence have been included in the record, specifically the rental ledger to indicate what rental payments had been made according to the landlord, as well as any relevant landlord-tenant court documents or correspondence between the landlord and the Agency.

Also by way of 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.

Lastly, by way of additional comment, Petitioner is reminded this decision is without prejudice to the Petitioner's right to reapply for EA benefits.

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

Officially approved final version. July 08, 2025

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Natasha Johnson  
Assistant Commissioner

