



## 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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*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 17433-25 D.J.

AGENCY DKT. NO. **C891187007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 without a plan, and that she had the capacity to plan to avoid her own homelessness, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 16, 2025, the Honorable Bindi Merchant, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Also on October 16, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination on the basis that Petitioner was not a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient.

No Exceptions to the Initial Decision were received.

As the Assistant Commissioner of the 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 and AFFIRM the Agency's determination.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that the Agency denied Petitioner's application for EA benefits, by notice dated September 10, 2025, indicating that Petitioner had the capacity to plan to avoid her homelessness, but failed to plan for housing prior to her move to New Jersey. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c), -6.1(c)(3). The record is devoid of any indication that Petitioner applied for WFNJ benefits, eligibility for which is a necessary prerequisite to the receipt of EA benefits. See Initial Decision at 2; see also Exhibit R-1 and N.J.A.C. 10:90-6.2(a). The ALJ in this matter concluded that, because Petitioner was not a WFNJ benefits recipient, nor an SSI benefits recipient, the Agency's denial of Petitioner's EA benefits was proper and must stand. See Initial Decision at 2-5; see also N.J.A.C. 10:90-6.2(a). I agree, but further find that the Agency's denial, indicating that Petitioner came to New Jersey from another state, without any plan for alternate housing or self-sufficiency, is also correct and that determination is thereby also affirmed. See Exhibit R-1; see also N.J.A.C. 10:90-6.1(c). The Initial Decision is modified to reflect this finding.



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.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED.

Officially approved final version.      October 22, 2025

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Natasha          Johnson  
Assistant Commissioner

