



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **07123-25 D.L.**

AGENCY DKT. NO. **C062972005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits, contending that she had caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 1, 2025, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 2, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on May 6, 2025.

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 hereby ADOPT the Initial Decision and REVERSE the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, 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).

Here, Petitioner applied for EA benefits on March 18, 2025, and was denied by the Agency on April 17, 2025, following a determination that she caused her own homelessness. See Initial Decision at 2; see also Exhibit R-1 at 12-35. Petitioner previously had resided in a dilapidated, single-family home in Cumberland County, for approximately a year and a half, which she contends she invested in to repair and rehabilitate, using her own funds and labor, in exchange for her ability to live at the property. See Initial Decision at 3. Although the exact relationship between the property owners and Petitioner is unclear, from the testimonial and documentary evidence presented, some type of relationship existed between the property owners and Petitioner, wherein she was expected to perform work at the property in exchange for having a place to live. See Initial Decision at 3-5; see also Exhibit R-1 at 40-44. During August 2024, the property owner sought to evict Petitioner, which resulted in a Writ of Possession on August 28, 2024, which was enforceable October 28, 2024. See Initial Decision at 5; see also Exhibit R-1 at 46. Beginning in October 2024, Petitioner began living in a tent in the woods of Cape May County, where she was residing at the time of her application for EA benefits, as well as following the cessation of her immediate need placement pending the outcome of the fair hearing. See Initial Decision at 2; see also Exhibit R-1 at 12. The Agency made various allegations regarding Petitioner's time at the Cumberland County property, however, the ALJ found that, at the time of the hearing, no witnesses were presented to testify to the issues raised by the Agency, nor was any corroborating evidence offered. See Initial Decision at 6. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits was improper as Petitioner is in a state of homelessness, having resided in a tent for several months, and it being unclear what caused her prior removal from her previous dwelling. See Initial Decision at 9. I agree, and direct the Agency to provide Petitioner with EA benefits in a form to be determined by



the Agency. See N.J.A.C. 10:90-6.1(c)(7). While the ALJ remanded the matter to the Agency to process Petitioner's EA benefits application, I find such to be unnecessary based on the record presented.

By way of comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determinations are REVERSED, as outlined above.

Officially approved final version. May 16, 2025

Natasha Johnson
Assistant Commissioner

