



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **10980-25 D.M.**

AGENCY DKT. NO. **C850880007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of continued immediate need shelter placement. The Agency denied Petitioner continued immediate need placement, contending that he had utilized the full amount of immediate need placement allotted to him. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 24, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 25, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on June 26, 2025.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 REVERSE the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." (emphasis added). In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1). Of note, immediate need assistance is not EA.

Pursuant to N.J.A.C. 10:90-9.3 (a), an applicant/recipient may request a fair hearing when he/she is adversely affected by an Agency action. N.J.A.C. 10:90-9.3(b) states, "[c]ounty or municipal agency actions which adversely affect an applicant or recipient include any action, inaction, refusal of action, or unduly delayed action with respect to program eligibility, including denial, termination or suspension of benefits, adjustment in the level of benefits or work requirements, or designation of a protective payee." (Emphasis added).

Here, the record indicates that Petitioner applied for Work First New Jersey/General Assistance ("WFNJ/GA") benefits on May 15, 2025. See Initial Decision at 2; see also Exhibit R-1. On that same date, Petitioner applied for EA benefits. Ibid. Following the submission of his application, the Agency provided Petitioner with a thirty-day immediate need shelter placement, which ended on June 14, 2025. See Initial Decision at 3. Prior to his applications, Petitioner had resided at a residential treatment shelter for approximately a year and, upon completion of the program, was discharged and in need of housing. See Initial Decision at 2-4. Pursuant to N.J.A.C. 10:90-1.3(a), immediate need housing placement is only provided to the applicant until a final WFNJ benefits eligibility determination is made by the Agency. Of note, the record



reflects that, at the time of the hearing, Petitioner's application for WFNJ/GA benefits was still pending, with an interview scheduled for July 7, 2025. See Initial Decision at 2-4. Since only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits, see N.J.A.C. 10:90-6.2(a), the Agency must first determine if Petitioner is eligible for WFNJ/GA benefits in accordance with the criteria set out in N.J.A.C. 10:90-2.2. Therefore, it is only when Petitioner starts receiving WFNJ/GA cash assistance that he may be issued EA benefits by the Agency. See N.J.A.C. 10:90-6.2(a).

The ALJ in this case found that the Agency's delay in processing Petitioner's WFNJ/GA application, approval of which is required for EA benefits approval, has resulted in Petitioner having utilized his time at the immediate need shelter placement. See Initial Decision at 2-4; see also Exhibit R-1 and N.J.A.C. 10:90-1.5(a). Based on the foregoing, and the particular circumstances of this case, specifically, the Agency's delay in processing Petitioner's WFNJ/GA application, the ALJ concluded that Petitioner should not be detrimentally affected by the Agency's delay, concluded that the Agency's denial of EA benefits must therefore be reversed, and ordered the Agency to provide Petitioner with shelter until his eligibility for WFNJ/GA is determined. See Initial Decision at 3-5; see also Exhibit R-1. I agree, and as such, I direct that the Agency is to provide Petitioner with continued immediate need housing placement until such time as an eligibility determination is made on Petitioner's WFNJ/GA application. The Initial Decision is modified to reflect these findings.

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 MODIFIED, the Agency's determination is REVERSED, as outlined above.

Officially approved final version. July 08, 2025

Natasha Johnson
Assistant Commissioner

