



## 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 **00526-25 D.R.**

AGENCY DKT. NO. **C137451009 (HUDSON COUNTY DEPT OF FAM 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 been banned from three previous shelter placements due to shelter rule violations. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for December 17, 2024, but the case was closed and the file returned because Petitioner failed to appear. Thereafter, the same matter was re-transmitted to the OAL and a hearing was scheduled for January 13, 2025. Petitioner again failed to appear, however she called OAL later that day, and the matter was rescheduled for January 16, 2025. On January 16, 2025, the Honorable Andrea Perry Villani, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 17, 2025, the ALJ issued an Initial Decision, affirming 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, and MODIFY 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." 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, and the termination of immediate need assistance is not appealable.

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).

First, based on an independent review of the record, I find that Petitioner was provided with immediate need housing benefits, and as immediate need housing assistance is not EA, a termination of immediate need assistance is not considered a termination of EA benefits, and is therefore, not appealable. See Initial Decision at 3, see also Exhibit R-1, and N.J.A.C. 10:90-1.3(a). Rather, I find that this matter is to be considered a denial of Petitioner's EA benefits application, and as such, I am considering the facts, and the ALJ's findings and conclusions in accordance with N.J.A.C. 10:90-6.1(c), -6.1(c)(3). The Initial Decision is modified to reflect this finding.



Here, the ALJ found, and Petitioner did not contest, that she had been terminated from three previous shelter placements for violating the shelters' rules, and for refusing alternative shelter placement offered by the Agency. See Initial Decision at 3. Consequently, by notice dated February 24, 2024, the Agency had terminated Petitioner's EA benefits, and imposed a six-month period of ineligibility for EA benefits. *Ibid.*; see also Exhibit R-5, and N.J.A.C. 10:90-6.3(c). Thereafter, it appears from the record that, in November 2024, after Petitioner's six-month EA ineligibility penalty had expired, she reapplied for EA benefits, and was placed at the YMCA Newark, on an immediate need basis. See Initial Decision at 3. The ALJ found, and the record substantiates, that Petitioner was terminated from that shelter placement for allowing unauthorized persons to stay in her room, in violation of the shelter's rule. *Ibid.*; see also Exhibit R-2. Although Petitioner claimed that she had not violated the shelter rules of her fourth placement by having unauthorized guests in her room, the ALJ found Petitioner's claim uncredible. See Initial Decision at 3-4. Additionally, the ALJ found, and the record substantiates, that Petitioner had allowed her Section 8 voucher to expire, and had consequently been removed from the Section 8 waiting list. See Initial Decision at 2, 4; see also Exhibits R-3, R-4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand, and imposed a six-month period of ineligibility for EA benefits. See Initial Decision at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c), -6.3(e)(1)(iii).

While I agree with the ALJ's ultimate conclusion, I find that the adverse action notice in this matter, as well as, the hearing transmittal substantiate that, the issue here is a denial of EA benefits, on the basis that Petitioner had been terminated and banned from several shelter placements due to shelter rule violations, and not solely on the basis of Petitioner's most recent shelter rule violation, which would be considered a minor violation and not subject to a termination of EA benefits, nor the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.3(e)(1)(ii). See Initial Decision at 5; see also Exhibit R-1. Moreover, the regulations set forth at N.J.A.C. 10:90-6.3(c), and (e), only pertain to EA recipients who are terminated, without good cause, from an EA shelter placement, and as such, are not relevant here. See Initial Decision at 4-5. Therefore, based upon the testimony and record provided, I find that Petitioner has caused her own homeless, without good cause; by allowing her Section 8 housing voucher to expire, resulting in her being removed from the Section 8 waiting list; by violating numerous shelter placement rules, resulting in her being terminated and banned from such shelters; and by refusing Agency offered placement. See Initial Decision at 2-4; see also Exhibits R-2, R-3, R-4. On those bases, and in accordance with N.J.A.C. 10:90-6.1(c)(3)(vi), I conclude that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Exhibit R-1. Additionally, in accordance with regulatory authority, I hereby also impose a six-month EA ineligibility penalty upon Petitioner. See N.J.A.C. 10:90-6.1(c)(3). The Initial Decision, and the Agency's determination are modified to reflect these findings.

By way of comment, Petitioner is advised that her six-month EA ineligibility penalty shall run from November 18, 2024, the effective date of the Agency's denial, through May 18, 2025. See Exhibit R-1 at 3.

By way of further 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 MODIFIED.

Officially approved final version. January 28, 2025

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Natasha Johnson  
Assistant Commissioner

