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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 **01967-25 N.F.**

AGENCY DKT. NO. **C486567004 (CAMDEN-CCBSS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he had the capacity to plan, and sufficient funds to pay for housing, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 30, 2025, the Honorable Kimberley M. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until January 31, 2025, to allow for additional submissions, and then closed. On January 31, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "[a]ll 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.

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. Further, in pertinent part, EA benefits shall not be provided for a period of six months when an applicant "had the available funds and the capacity to plan to avoid homelessness." N.J.A.C. 10:90-6.1(c)(3)(v).

Only WFNJ benefits recipients, including those determined eligible for WFNJ benefits based upon immediate need, and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner applied for EA benefits on November 20, 2024, and was provided with immediate need housing assistance on December 2, 2024. See Initial Decision at 3, 5; see also Exhibit R-3, and N.J.A.C.



10:90-1.3(a). Petitioner was found eligible for immediate need placement because he had a pending Work First New Jersey/General Assistance ("WFNJ/GA") application. See Initial Decision at 3. On the same date as his application, the Agency requested from Petitioner, among other things, information regarding disbursement from a lawsuit settlement and bank statements, which needed to be submitted by December 20, 2024. Id. at 2-3; see also Exhibit R-2. Petitioner provided the Agency with settlement information and bank statements for one account from November 1, 2024, to December 6, 2024, and from another account from September 15, 2024, to November 15, 2024. See Initial Decision at 3-4, 6; see also Exhibit R-1 at 22-32. Following receipt of the statements, the Agency noted several transactions in excess of \$100, and the Agency representative testified that she did not receive any explanation regarding such transactions. See Initial Decision at 4. The Agency sent no additional correspondence to Petitioner regarding his EA application or the transactions in excess of \$100 in his bank statements. Ibid. The Agency contends that the letter of November 20, 2024 requested proof of how Petitioner spent funds received from his lawsuit settlement. Ibid.; see also Exhibit R-2. By notice dated December 18, 2024, the Agency advised Petitioner that his EA benefits would terminate, effective January 17, 2025, as the Agency had determined that he had the capacity and funds to prevent his homelessness and that he failed to demonstrate appropriate use of his funds. See Initial Decision at 3, 8-9; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:90-6.1(c)(1)(v), (vi).

However, the ALJ ultimately concluded that the November 20, 2024, verification letter did not specify that the Agency required an itemized explanation of the use of Petitioner's settlement funds nor an explanation of the banking transactions in excess of \$100 and that the Agency made no attempt to contact Petitioner regarding such required information. See Initial Decision at 8-9; see also Exhibit R-2. Further, the ALJ found that the Agency denied Petitioner's EA application on December 18, 2024, prior to the deadline provided for the submission of verifications of December 20, 2024, which runs contrary to the Agency directive at N.J.A.C. 10:90-1.6(f). See Initial Decision at 9; see also Exhibit R-1 at 2-5, R-2. Accordingly, the ALJ concluded that the Agency's denial of Petitioner's EA application was improper and that the matter should be remanded to the Agency for consideration of additional information and verification needed to accurately assess Petitioner's eligibility for EA benefits. See Initial Decision at 10; see also Exhibit R-1 at 2-5. I agree and direct that the Agency provide Petitioner with immediate need housing pending the consideration of additional information and reassessment on Petitioner's EA application. Additionally, should that reassessment result in another denial of EA benefits, Petitioner is without prejudice to seek another fair hearing on that subsequent denial. The Initial Decision is modified to reflect these findings.

Additionally, although not discussed further by the ALJ in the Initial Decision, the ALJ found Petitioner eligible for EA benefits on the basis that he had a pending application for WFNJ/GA benefits. See Initial Decision at 5. I respectfully disagree. Rather, I find, and regulatory authority set forth at N.J.A.C. 10:90-6.2(a) makes clear that, eligibility for EA benefits is limited to WFNJ and SSI benefits recipients. Here Petitioner has a pending WFNJ/GA application, and is not yet a recipient of WFNJ cash benefits, and as such not eligible for EA benefits. Consequently, Petitioner's pending WFNJ/GA benefits application made Petitioner eligible for immediate need housing benefits only, which the Agency had provided him with. See Initial Decision at 3; see also N.J.A.C. 10:90-1.3(a). The Initial Decision is also modified to reflect this finding.

Accordingly, the Initial Decision in this matter is MODIFIED, the Agency's determination is hereby REVERSED, and the matter is REMANDED back to Agency for action, as outlined above.

Officially approved final version. February 13, 2025

Natasha Johnson
Assistant Commissioner

