



## State of New Jersey

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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 **03590-25 N.M.**

AGENCY DKT. NO. **C352154007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The matter was initially transmitted to the OAL as an emergent matter, however, when the hearing began on February 26, 2025, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), determined the hearing was non-emergent as there was no warrant of removal issued. The matter was adjourned to March 19, 2025, in hopes that the Agency was able to complete a new WFNJ/TANF interview and determination, however, when the hearing re-convened on March 19, 2025, a new determination had not yet been made by the Agency. On March 19, 2025, the ALJ held a telephonic plenary hearing, took testimony, and admitted documents. On March 20, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination as to the January 9, 2025, denial of Petitioner's WFNJ/TANF benefits, and reversing the Agency's determination as to the January 22, 2025, imposition of a six-month period of EA ineligibility.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determinations, based on the discussion below.

Pursuant to N.J.A.C. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ benefits for a new applicant, reapplicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3." See also N.J.A.C. 10:90-3.1(b). Further, "[i]f the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists." See N.J.A.C. 10:90-3.2(a). For an assistance unit of two, effective July 1, 2019, the maximum allowable income level is \$638. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

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

Here, Petitioner became unemployed during June 2024, and began collecting unemployment insurance benefits ("UIB"), until some point during December 2024. See Initial Decision at 2. On December 13, 2024, Petitioner applied for WFNJ/TANF benefits, and on January 9, 2025, Petitioner was denied same, as the Agency determined that Petitioner's income,



from UIB, exceeded the maximum income limit for WFNJ/TANF initial eligibility. Ibid.; see also Exhibits R-2, R-6. Based upon the cessation of Petitioner's UIB, the hearing in this matter was adjourned to allow time for the Agency to reassess Petitioner's eligibility for WFNJ/TANF benefits. See Initial Decision at 2. No benefits eligibility determination was reached by the time of the hearing on March 19, 2025, and Petitioner was evicted from her apartment. Id. at 2-3. Accordingly, the ALJ concluded that Petitioner's monthly income, at the time of her December 2024 application, exceeded the initial maximum eligibility level of \$638 for WFNJ/TANF benefits, for a household of two. Id. at 2-3; see also N.J.A.C. 10:90-3.1(a), (b), -3.2, -3.3(1), and DFD IT No. 19-21. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/TANF, as of January 9, 2025, was proper and must stand. See Initial Decision at 5; see also Exhibit R-6. I agree.

Petitioner also applied for EA benefits, and on January 22, 2025, the Agency denied her application, reasoning that Petitioner had failed to plan and failed to take reasonable steps to resolve her emergency. See Initial Decision at 3; see also Exhibit R-8. The Agency further notified Petitioner she would be given a six-month EA ineligibility penalty, making her ineligible for EA benefits until after July 22, 2025. Ibid. The ALJ found that the Agency failed to present any evidence that substantiated the reasons set forth for the EA denial, nor justify the imposition of a six-month penalty. See Initial Decision at 3. However, based upon Petitioner's eviction from her apartment, as well as her pending WFNJ/TANF application at the time of the hearing, the ALJ found that the sole issue was the imposition of the six-month EA penalty period. See Initial Decision at 3. The ALJ found that no evidence was put forth by the Agency to substantiate a determination that Petitioner failed to plan, and that it was clear Petitioner lost her apartment due to the unanticipated loss of her employment, and that she was unable to secure new employment. See Initial Decision at 4. Based on the foregoing, and Petitioner's credible testimony, the ALJ concluded that Petitioner had not caused her own homelessness, that her emergent situation was beyond her control, and that she could not have planned to avoid her emergent situation. See Initial Decision at 5. Accordingly, the ALJ found Petitioner's eligibility for EA benefits to be moot at the time of the hearing based upon her not receiving WFNJ/TANF benefits, and reversed the imposition of a six-month EA ineligibility penalty. Id. at 5; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c), -6.2. I agree, and note that the Agency's denial of EA benefits was on an improper basis, and that the correct basis was that Petitioner was ineligible for EA due to her not being a WFNJ/TANF recipient at the time of the denial, and that pursuant to such corrected basis, no ineligibility penalty would have been applicable. See N.J.A.C. 10:90-6.2(a). The Initial Decision and the Agency's adverse action notice are both modified to reflect this finding.

By way of comment, based upon a review of the official records of this office, Petitioner began to receive WFNJ/TANF benefits on or about April 24, 2025. As such, Petitioner is advised that she is without prejudice to reapply for EA benefits at any time, if she has not already done so, provided she continues to need EA benefits and is otherwise eligible for same in accordance with N.J.A.C. 10:90-6.1.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is MODIFIED, as outlined above.

Officially approved final version. May 08, 2025

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Natasha Johnson  
Assistant Commissioner

