



## State of New Jersey

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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 **03426-25 N.N.**

AGENCY DKT. NO. **C292317009 (HUDSON COUNTY DEPT OF FAM SVCS)**

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 abandoned her housing, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2025 the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 26, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Here, the record reflects that Petitioner was originally provided EA benefits in Union County but, due to unavailability of housing, had been placed in Essex County at a shelter and then later at an apartment. See Initial Decision at 2. Union County ceased providing Petitioner with EA benefits during August 2024, and advised Petitioner that she would have to apply for EA benefits from Essex County. Ibid. Petitioner contends that Essex County informed her that, due to a backlog, her application would take time to process, which Petitioner communicated to her landlord, who permitted Petitioner to stay in the apartment through September 2024. Ibid. During October 2024, Petitioner's landlord agreed not to proceed with filing for an eviction if Petitioner vacated her apartment by November 1, 2024. Ibid. Being unable to pay the rent, Petitioner voluntarily vacated the apartment without an official eviction having taken place. Ibid. Petitioner then resided within Hudson County until January 2025, when she lost her housing with her friend, and again applied for EA benefits in Hudson County on January 3, 2025. Ibid. However, the Agency determined that Petitioner had caused her own homelessness when she abandoned her apartment in Essex County without first being evicted, and consequently, denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty. Id. at 2-3; see also Exhibit R-1 and N.J.A.C. 10:90-6.1(c)(3)(vii). However, the ALJ found that, although Petitioner voluntarily vacated the apartment, she had no legal right or obligation to remain in an apartment knowing that she could not pay the rent, and further, that she was aware that her landlord planned to evict her. Id. at 3. Additionally, the ALJ found that Petitioner has been in a state of homelessness, since January 2025, through no fault of her own. Id. at 3-4. Based on the facts of this case, the ALJ concluded that Petitioner had not caused her homelessness, but rather her homelessness had been caused by her voluntarily vacating an apartment from which she knew she would be evicted. Id. at 3-4; see also Exhibit R-1. Accordingly, the ALJ further concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. Id. at 4-5; see also Exhibit R-1. I agree.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is REVERSED.

Officially approved final version. March 04, 2025

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Natasha Johnson  
Assistant Commissioner

