



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **16180-25 N.R.**

AGENCY DKT. NO. **C883495007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, as well as the delay in processing of her application for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, and failed to take reasonable steps to resolve her emergency, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 22, 2025, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 23, 2025, the ALJ issued an Initial Decision, ordering the Agency to expedite processing of Petitioner's application WFNJ/TANF benefits, and reversing the Agency's determination as to the denial of EA benefits.

Exceptions to the Initial Decision were received from the Agency on September 24, 2025.

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 ADOPT the Initial Decision and REVERSE the Agency's determination, based on the discussion below.

It is anticipated that the Agency will accept, process, and recommend action on applications for WFNJ cash benefits within 30 days. N.J.A.C. 10:90-1.5(a). Pursuant to N.J.A.C. 10:90-9.1(b), an Agency must provide both adequate and timely notice advising of a termination, denial or suspension of welfare benefits. Adequate notice is a written notice outlining the intended action and the reasons for the action. See N.J.A.C. 10:90-9.1(a).

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

Here, the record reveals that Petitioner applied for WFNJ/TANF benefits on August 19, 2025, and the following day applied for EA benefits. See Initial Decision at 2; see also Exhibits R1-1, R2-2. On August 20, 2025, the Agency provided Petitioner with immediate need shelter placement and denied her EA benefits application, citing that she had the realistic capacity to plan to avoid her emergent situation, but failed to do so, and failed to take reasonable steps to resolve her emergency. Ibid.; see also N.J.A.C. 10:90-6.3(a)(11), -6.1(c), -6.6(a). As of the date of the hearing, Petitioner's WFNJ/TANF application had not been processed and Petitioner had not been interviewed by the Agency due to Agency backlog. See Initial Decision at 2; see also Exhibit R1-1.



As to the delayed processing of the WFNJ/TANF application, the Agency representative testified at the hearing that applications must be processed within thirty days in accordance with regulatory authority and that the delay in processing is wholly attributable to the Agency being backlogged with applications and due to no fault of Petitioner. See Initial Decision at 2-3. The ALJ found that the Agency has not timely processed Petitioner's application for WFNJ/TANF benefits, in accordance with N.J.A.C. 10:90-1.5. See Initial Decision at 7. Based on the foregoing, the ALJ concluded that the Agency must take immediate corrective action and complete the benefits eligibility determination. See Initial Decision at 8; see also N.J.A.C. 10:90-1.5, -1.8. I agree, and am therefore remanding the matter to the Agency to evaluate Petitioner's eligibility for WFNJ/TANF benefits, on an expedited basis.

As to the denial of EA benefits, based on the testimony provided by Petitioner at the time of the hearing, she and her daughter moved to Pennsylvania from South Carolina in June 2024, at which time she resided with a friend where she was not responsible for the payment of rent. See Initial Decision at 3. Petitioner testified that she was employed from August 2024 until December 2024, when she left her employment due to having to relocate from the apartment where she had been staying with her friend. Ibid. Petitioner further testified that the shelters local to the area where she had been residing were "full" during December, 2024 and early January of 2025, and as such, she relocated to New Jersey to reside with her grandmother. Ibid. Petitioner provided testimony that she then stayed with various friends in New Jersey from January 2025 to June 2025, while her minor child stayed with Petitioner's grandmother, and then Petitioner moved in with her grandmother in July 2025. Ibid. The apartment where Petitioner resided with her grandmother was a one-bedroom apartment which was housing multiple people who were not on the lease, and the apartment became too crowded, at which time Petitioner left the apartment. Ibid.; see also Exhibit R1-3. Petitioner testified that she has been looking for employment since her relocation to New Jersey in January 2025 but that she has been unable to obtain employment. See Initial Decision at 4. She further testified that she has applied for subsidized housing. Ibid. At the time of the hearing, Petitioner did testify that she had proof of her employment and housing search efforts, however, no such documentation is contained in the record. Ibid.

Based on the testimonial evidence presented at the time of the hearing, the ALJ found that Petitioner had taken reasonable steps to resolve her emergency and that her direct behavior had not caused her homelessness. See Initial Decision at 6. Further, the ALJ found that Petitioner had provided detailed information regarding her efforts to find employment and housing and that she has been unable to find either despite her good faith efforts. See Initial Decision at 6-7. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.1(c). I agree.

Further, the ALJ found that, as the Agency had not complied with the regulatory requirements of N.J.A.C. 10:90-1.5, and her WFNJ/TANF application processing has been delayed, due to no fault of Petitioner, there can be no determination with respect to if Petitioner meets the threshold requirement for EA eligibility, namely, that she is a WFNJ benefits recipient. See N.J.A.C. 10:90-6.2(a). See Initial Decision at 8. As such, the ALJ ordered that the Agency immediately process Petitioner's WFNJ/TANF application. I also agree and further direct that the Agency is to provide Petitioner with further immediate need housing until the expedited review and determination of Petitioner's WFNJ/TANF application is completed. See N.J.A.C. 10:90-1.3(a). Should Petitioner's application for WFNJ/TANF benefits be denied, Petitioner may request another fair hearing on that substantive denial.

By way of comment, I have reviewed the Exceptions submitted on behalf of the Agency, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. October 02, 2025

Natasha Johnson
Assistant Commissioner

