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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

AMENDED DECISION

OAL DKT. NO. HPW **05790-25 R.M.**

AGENCY DKT. NO. **C408687007 (ESSEX COUNTY DIVISION OF WELFARE)**

A Final Agency Decision ("FAD") was issued in this matter on April 15, 2025. This Amended FAD is being issued for clarification and hereby supersedes the previously issued FAD.

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she failed to provide proof she was no longer receiving financial assistance from her family, that she had a realistic capacity to plan and had not done so, and that she had not taken reasonable steps to resolve her emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 7, 2025, the Honorable Patrice E. Hobbs, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on April 7, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter back to the Agency.

No Exceptions to the Initial Decision were received.

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 hereby MODIFY the Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency for action, based on the discussion below.

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. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, Petitioner, a recipient of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits since October 2024, applied for EA benefits, which she has never previously received, on behalf of herself and her three children. See Initial Decision at 2; see also Exhibit R-3. Petitioner is currently unemployed, but was previously able to obtain financial assistance from her family to pay her rent. See Initial Decision at 2. During January 2025, Petitioner received a Complaint for Eviction, which led to her application for EA benefits on February 11, 2025. Ibid. The Agency denied Petitioner's application on that same date, citing that Petitioner failed to realistically plan, that she took no reasonable steps to resolve her emergency, and that she did not provide proof that her family was no longer able to provide her with financial assistance. Id. at 3; see also Exhibit R-2. The ALJ found that the record was devoid of any requests for further information or verifications from Petitioner as to the provision of information regarding the reasons for the Agency's denial. See Initial Decision at 4. Further, the ALJ found there is no proof that Petitioner refused to provide



any information to the Agency. Ibid. Accordingly, the ALJ found that the Agency failed to provide Petitioner with the opportunity to verify information or provide any documentation to substantiate the information contained in her EA benefits application and that, in accordance with N.J.A.C. 10:90-1.4(a), the Agency must allow Petitioner sufficient time, of at least 30 days in accordance with the regulation, to provide necessary documents to substantiate her application. Ibid.

I agree with the ALJ's final conclusion in this matter, that the Agency did not allow Petitioner the opportunity to provide verifying documentation to substantiate the information contained in her EA benefits application, particularly with respect to the reason Petitioner's family is no longer able to assist her, thus requiring a reversal of the Agency's determination and a remand to the Agency for further action. However, I also find that the ALJ's reliance on N.J.A.C. 10:90-1.4(a) is misplaced with respect to EA applications, and moreover, there was no delay in a determination of an application in this instance, but rather, a too swift of a denial. As such, I am remanding this case to the Agency to allow Petitioner to provide the Agency with documentation necessary to expeditiously evaluate her application for EA benefits. If it has not already done so, the Agency is to expeditiously provide Petitioner with a list of required verification documentation needed for her EA benefits application, within 10-days of this Amended Final Decision, and Petitioner is to provide the Agency with all requested documentation within 15-days of the Agency's request for verification information. Should Petitioner fail to provide the requested verification(s), then the Agency's prior denial shall stand as issued. If Petitioner provides the requested verification(s), and after evaluation of same, the Agency again denies Petitioner's EA benefits application, Petitioner is without prejudice to request another fair hearing on that subsequent denial. The Initial Decision is modified to reflect these findings and directives.

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

Officially approved final version. April 22, 2025

Natasha Johnson
Assistant Commissioner

