



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

TRENTON, NJ 08625-0716

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 **05925-25 R.O.**

AGENCY DKT. NO. **C627648007 (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's application for EA benefits, and imposed a six-month EA ineligibility penalty, contending that she caused her own homelessness by refusing to accept two shelter placements, and refusing to sign her EA extension application, service plan ("SP"), and referral for a behavioral health assessment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The hearing in this matter was scheduled for April 8, 2025, however, Petitioner did not call into the hearing, and the matter was marked "failure to appear". On April 9, 2025, Petitioner appeared in person at the OAL and the Honorable Nanci Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 10, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were filed.

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 AFFIRM the Agency's determination, based on the discussed below.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. *Ibid.*

The record in this matter reveals that Petitioner was involved in a landlord-tenant action which resulted in removal from her apartment on January 27, 2025. See Initial Decision at 3; see also Exhibit P-1. From January 28, 2025 to March 21, 2025, Petitioner resided at a hotel, paid for by her family members, after which she contacted the State emergency housing assistance line, "211," and was placed at a shelter on an emergent basis. See Initial Decision at 3. On March 24, 2025, Petitioner applied for EA benefits. See Initial Decision at 3; see also Exhibit R-4. Petitioner has previously received 80 months of EA benefits, and been provided emergency housing by the Agency. See Initial Decision at 3; see also Exhibit R-8. Petitioner has exceeded the lifetime limit for EA benefits; however, she is eligible for additional EA benefits allowed to specific groups due to her Work First New Jersey status and approved MED-1 form. See Initial Decision at 3; see also Exhibit R-3 and DFD Instruction ("DFDI") no. 25-02-01.

The same day as her application, the Agency offered Petitioner a shelter placement which was Petitioner refused. See Initial Decision at 3. Further, Petitioner refused to sign the application for the EA benefits extension, the SP, or the referral



and consent to release information to the Behavioral Health Initiative ("BHI") for assessment and treatment. Ibid.; see also Exhibits R-2, R-3, R-4, R-5, R-6, R-7. Later in the day on March 24, 2025, Petitioner went to another Agency office stating that she had refused the first placement due to her difficulty with using stairs, and was then offered an alternate placement with an elevator, which she also refused. See Initial Decision at 3. Here, Petitioner was homeless, the Agency had offered Petitioner two separate shelter placements, and Petitioner refused both placements, wanting instead placement at a hotel with which the Agency did not contract for placements. Id. at 4. Further, Petitioner refused to sign any of the required documents necessary and, as such, the Agency denied her application for EA benefits and imposed a six-month EA ineligibility penalty, as her refusals caused her continuing homelessness. Ibid.; see also N.J.A.C. 10:90-6.1(3), -6.6(a) and Exhibit R-2. The ALJ in this matter concluded that the Agency's offers of EA placements were the appropriate form of EA benefits to meet Petitioner's emergent need based on the facts presented, and as such, when Petitioner refused said placements, as well as refusing to cooperate with signing documentation, the Agency's denial of EA benefits, as well as the imposition of a six-month ineligibility period for EA, were proper and must stand. See Initial Decision at 6-7; see also Exhibit R-2, and N.J.A.C. 10:90- 6.1(c)(3), -6.3(a)(1), -6.6(a). I agree.

By way of comment, Petitioner's six-month EA penalty shall run from March 24, 2025, the effective date of the EA denial, to September 24, 2025. See Exhibit R-2.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. April 16, 2025

Natasha Johnson
Assistant Commissioner

