



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 **03559-25 S.A.**

AGENCY DKT. NO. **C306537020 (UNION COUNTY DIVISION OF SOC. 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's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had caused 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 28, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination as to the denial of EA benefits and the imposition of a six-month EA ineligibility penalty.

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

In order to be eligible for EA benefits, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). Additionally, EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3). Further, EA benefits are "available in situations where there is an indication that an individual ... left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit." N.J.A.C. 10:90-6.1(c)(7).

Here, the record reflects that Petitioner applied for EA benefits on February 10, 2025, and was denied said benefits by the Agency on February 18, 2025. See Initial Decision at 3; see also Exhibit R-1 at 3-5, 13-20. Petitioner had been involved in a criminal/domestic violence incident involving law enforcement at her parent's residence on May 31, 2024, which resulted in her parents obtaining a Temporary Restraining Order ("TRO") which barred Petitioner from their residence. See Initial Decision at 2; see also Exhibit R-1. Following her removal from her parent's residence, Petitioner resided with her aunt during June and July 2024, and then moved into an apartment with a friend beginning August 2024. See Initial Decision at 2. On August 13, 2024, Petitioner and her roommate were involved in a criminal/domestic violence incident involving law enforcement at their apartment. Id. at 2-3. Petitioner filed a police report and was placed at a shelter as a victim of domestic violence. Id. at 3; see also Exhibit R-1. Petitioner testified that she vacated the shelter during November 2024 and has since lived in an abandoned building. See Initial Decision at 3. On or about February 13, 2025, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she was ineligible to



receive EA benefits because she caused her own homelessness. Id. at 3-4; see also Exhibit R-1. At the time of the hearing, the Agency representative testified that the only thing considered when Petitioner's application was denied was the May 2024, domestic violence report written by the police officer, who was not present during the incident, nor present to testify at the hearing. See Initial Decision at 3. Petitioner's TRO has not yet been adjudicated, however, the Agency representative testified that it did not matter whether the TRO had been adjudicated. Ibid. The ALJ found that the Agency failed to take into consideration numerous factors relevant to Petitioner's application including Petitioner's explanation for her actions of May 31, 2024, and that she had been later placed in a shelter as a victim of domestic violence. Ibid. The ALJ found, and the record substantiates, that Petitioner was required to leave her prior residence in May 2024, due to a TRO, however, the Agency did not determine whether the information contained in the TRO was accurate, nor inquire regarding the status of the TRO, thus the Agency had based the entire determination on the information alleged in the TRO. Id. at 4. The ALJ further relied upon Petitioner's credible testimony, in determining that the written contents of the TRO may not align with the actual incident. Ibid. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits, and the imposition of a six-month EA ineligibility period, were improper, as Petitioner may not have caused her eviction from her parent's residence during May 2024, nor from her apartment during August 2024. Id. at 4-5. I agree.

Based on the foregoing, I find that Petitioner left her prior residences due to domestic incidents, that she did not cause her own homelessness, and that she is imminently homeless. Therefore, I agree with the ALJ's conclusion that the Agency improperly denied Petitioner EA benefits, and improperly imposed six-month EA ineligibility penalty. Id. at 4-5; see also N.J.A.C. 10:90-6.1(c)(7).

By way of comment, in cases where past or present domestic violence ("DV") exists, pursuant to the Work First New Jersey Family Violence Option ("FVO") Initiative, the Agency is required to refer EA applicants for a FVO risk assessment, which "includes a safety and service plan strategy consistent with the identified needs and safety concerns of the individual," as determined by the individual and by the Agency's risk assessor. See N.J.A.C. 10:90-20.1(b)(1)(i). Further, a service plan prepared for applicants seeking EA because of DV, or the risk thereof, must be coordinated with the recommendations contained in the FVO risk assessment. See N.J.A.C. 10:90-20.1(b)(ii).

By way of further comment, based upon the record, the Agency should refer Petitioner for a Behavioral Health Initiative evaluation. See Initial Decision at 5, see also N.J.A.C. 10:90-6.1(c)(1)(iii). Should the assessment require Petitioner to engage in treatment, that requirement shall be incorporated into her Individual Responsibility Plan ("IRP") and her EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii).

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

Officially approved final version. March 04, 2025

Natasha Johnson
Assistant Commissioner

