



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 12230-25 S.G.

AGENCY DKT. NO. C410497007 (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 EA ineligibility. The Agency denied Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had failed to pay her required 30 percent of her total household income towards her EA placement, in violation of her EA service plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for a hearing on July 2, 2025, however Petitioner failed to appear and requested a new hearing date. On July 14, 2025, the Agency failed to appear for the rescheduled hearing. On July 24, 2025, the Honorable Kimberly K. Holmes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 25, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

"Recipients of emergency assistance ["EA"], including those receiving [Supplemental Security Income ("SSI")], shall contribute 30 percent of their total household income towards payment of all emergency shelter arrangements, including utilities[.]" See N.J.A.C. 10:90-6.5(a).

Here, Petitioner was in receipt of Work First New Jersey/Temporary Assistance to Needy Families ("WFNJ/TANF") benefits from Hudson County until December, 2024. See Initial Decision at 2-3; see also Exhibit R-2. On July 19, 2024, Petitioner signed a service plan ("SP") with Hudson County, which included terms that she was required to pay thirty percent of her rent while her case was under review for a transfer from Hudson County to Essex County. See Initial Decision at 3; see also Exhibit R-2. On May 20, 2025, Petitioner applied for EA benefits in Essex County and her application was placed in pending status, as the Agency required the submission of required documentation in order to determine Petitioner's eligibility for said benefits. See Initial Decision at 3; see also Exhibit R-1. On May 29, 2025, Petitioner provided some, but not all, of the required documents to the Agency, however, she failed to provide any proof of her monthly thirty-percent rental contribution payments from January, 2025 through June, 2025, which totaled \$906. Ibid. On the same date, Petitioner advised the Agency she had an agreement with her landlord that she would withhold rent in lieu of the landlord making repairs to her apartment. See Initial Decision at 3; see also Exhibits R-1, R-3, P-1. On June 12, 2025, the Agency requested proof from Petitioner that she had made her thirty-percent required co-payments towards her rent, as well as a copy of the agreement she had with her landlord regarding withholding rent. See Initial Decision at 4; see also Exhibit R-1. On June 19, 2025, Petitioner informed the Agency she was withholding her rent because of the agreement with her landlord, however, when the Agency made contact with the management company for the property the Agency was advised that no such agreement regarding the withholding of rent existed. See Initial Decision at 4. On June 23, 2025, the Agency denied Petitioner's application for EA benefits, and imposed a six-month EA ineligibility penalty from receipt of said benefits, citing that she had not taken reasonable steps to resolve her emergency when she had the



funds available to pay her thirty-percent rental co-payment. Ibid.; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.1(c)(3), -6.3(c), -6.6(a). Based on the foregoing, the ALJ concluded that the Agency's denial of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 5; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.1(c)(3), -6.3(c), -6.6(a). I agree.

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

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from June 23, 2025, the effective date of the EA termination, through December 23, 2025. See Exhibit R-1.

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. July 31, 2025

Natasha Johnson
Assistant Commissioner

