



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 12868-25 S.S.

AGENCY DKT. NO. C881228007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she abandoned her housing in a different state and had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 24, 2025 and continuing on July 25, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 28, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Here, the record reveals that Petitioner testified that she moved from another state due to experiencing domestic violence ("DV"). See Initial Decision at 2. At the time Petitioner applied for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and EA benefits, she was granted thirty days immediate need placement in a shelter. Ibid. Upon review of her EA application, the Agency denied EA benefits citing that Petitioner had caused her own homelessness. See Initial Decision at 3. At the time of the hearing, Petitioner testified that she left her housing, with her two minor children, in another state due to DV including physical and mental abuse. Ibid. Based on the testimony provided at the hearing, the ALJ found that Petitioner had good cause for leaving her housing and was also left without a realistic capacity to engage in advance planning to avoid her homelessness or to secure appropriate housing. See Initial Decision at 2-5; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Based on the foregoing, and the fact that no testimony or argument was presented by the Agency to indicate that Petitioner was not otherwise eligible for EA benefits, the ALJ found Petitioner eligible for EA benefits, and concluded that the Agency's denial of EA benefits to Petitioner, was improper and must be reversed. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(3). Based on the particular circumstances presented by Petitioner, I agree, and note that, significantly, EA is "available in situations where there is an indication that an individual, or a parent and his or her children, have 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).

Additionally, the ALJ found that the Agency should expedite review of Petitioner's application for WFNJ/TANF, as such eligibility would impact eligibility for EA benefits. See N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and Supplemental Security Income benefits recipients). I also 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, in cases where past or present DV exists, pursuant to the WFNJ Family Violence Option ("FVO") Initiative, the Agency is required to refer EA applicants/recipients 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 must be prepared for recipients receiving EA because of DV, or the risk thereof, and it must be coordinated with the recommendations contained in the FVO risk assessment. See N.J.A.C. 10:90-20.1(b)(ii). As such, the Agency is to refer Petitioner for an FVO assessment, if it has not already done so.

By way of further comment, Petitioner is advised that the Agency shall determine and provide the most appropriate form of EA to address Petitioner's situation, which may include shelter placement. See N.J.A.C. 10:90-6.3(a).

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

Officially approved final version. July 31, 2025

Natasha Johnson
Assistant Commissioner

