



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **05494-25 T.N.**

AGENCY DKT. NO. **C296285016 (PASSAIC COUNTY BOARD 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 EA benefits, and imposed a six-month EA ineligibility penalty, contending that her significant other voluntarily quit his employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 2, 2025, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on April 2, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determinations.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, that EA benefits shall not be provided for a period of six months "when an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult member without good cause," including situations in which an applicant has been discharged from employment due to an action or inaction on his or her part in violation of the employer's written rules or policies, or lawful job related instructions. See N.J.A.C. 10:90-1.15.

Here, the ALJ found, and the record substantiates, that Petitioner's boyfriend ("J.C.") voluntarily ceased employment during June 2024, and from that time to the present has remained unemployed. See Initial Decision at 2; see also Exhibit R-1. Further, J.C. received a tax refund, in the amount of \$5,000, which was used to purchase a vehicle rather than to pay outstanding rent or secure new housing. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.1(c)(1)(ii). The ALJ notes that Petitioner has previously received two years of rental assistance from the Department of Community Affairs ("DCA"), and beyond applying for EA, has made no efforts to plan for housing. See Initial Decision at 3; see also Exhibit R-1. At the time of her EA application, Petitioner owed \$15,025 in unpaid rent and late charges. See Initial Decision at 2; see also Exhibit R-1. Based on the testimony and evidence presented, the ALJ found that Petitioner's homelessness was a direct result of J.C.'s voluntary cessation of employment, without good cause. See Initial Decision at 3-4; see also N.J.A.C. 10:90-4.14(c). Additionally, the ALJ found that Petitioner owed more than three months of past due rent, and regulatory authority only allows for the payment of more than three-months back rent when extraordinary circumstances are proven. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(5)(i). Based on the foregoing, the ALJ concluded that Petitioner, and J.C., caused their own emergent situation, and as such, further concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility were proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3). I agree.



By way of comment, Petitioner is advised that the six-month EA ineligibility penalty shall run from March 11, 2025, the effective date of the EA denial, to September 11, 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. April 08, 2025

Natasha Johnson
Assistant Commissioner

