



State of New Jersey

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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

AMENDED DECISION

OAL DKT. NO. HPW **03175-25 W.M.**

AGENCY DKT. NO. **C147287007 (ESSEX COUNTY DIVISION OF WELFARE)**

A Final Agency Decision ("FAD") was issued in this matter on February 25, 2025. This Amended FAD is being issued to recognize receipt of Exceptions filed by Petitioner's counsel, and received by this office on February 27, 2025.

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he is not homeless, that he had the capacity to plan to avoid a housing emergency, and that he had failed to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 20, 2025, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 21, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

Here, the record reflects that Petitioner applied for EA benefits on January 27, 2025. See Initial Decision at 2; see also Exhibit R-1. At the time of his application, Petitioner had been residing at a transitional shelter since January 13, 2025. Ibid. Petitioner receives \$998 each month in Supplemental Security Income ("SSI") benefits, and prior to residing at the transitional shelter had resided at a motel shelter for a period of six months, which was provided for by the City of Newark. Ibid. Petitioner has been homeless for a period of five years and at some point, during his time at the motel shelter, claims that he applied for Section 8 affordable housing for the first time but failed to provide any documentation of such application. Ibid. The ALJ found that Petitioner has not made any attempt to find permanent affordable housing during the past five years, even though he had the capacity to plan. See Initial Decision at 3. Further, the ALJ found that when Petitioner applied for EA benefits he was living at a shelter and therefore not experiencing an emergent housing situation. Ibid. Based on the foregoing, the ALJ found that Petitioner had the capacity to plan, but failed to do so, without good cause, and that he is not currently experiencing an emergency. Id. at 4. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. Id. at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c) (1), (3). I agree.

Exceptions to the Initial Decision were filed by Petitioner's counsel on February 27, 2025.

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, I have reviewed Petitioner's Exceptions, and I find that the arguments therein do not alter my decision in this matter.



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

Officially approved final version. March 04, 2025

Natasha Johnson
Assistant Commissioner

