



State of New Jersey

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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 **00377-25 Y.T.**

AGENCY DKT. NO. **C236065016 (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's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she was evicted from Section 8 housing for non-payment of rent, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record closed on January 10, 2025. On January 13, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, based on Petitioner's credible testimony, the ALJ found that due to a series of unfortunate events, such as the necessity to care for her terminally ill mother, resulting in the need to leave her job, and the reversal of an Unemployment Insurance Benefits ("UIB") grant, requiring repayment of all funds received, Petitioner was without sufficient funds with which to pay her \$492 monthly portion of the Section 8 housing rent. See Initial Decision at 2-4; see also Exhibits P-1, R-1 at 19. The Initial Decision is modified to reflect the accurate amount of Petitioner's monthly portion of Section 8 housing rent. See Initial Decision at 4. Consequently, Petitioner's failure to pay her rent resulted in an eviction complaint being filed against her, a settlement agreement being executed, and an "Order for Orderly Removal" ("the Order"), slated for January 9, 2025, if rent payments were not made, which Petitioner had not opposed. Id. at 2; see also Exhibits P-3, P-4, R-12, R-13-18. The ALJ found that Petitioner had acted appropriately, and in accordance with Landlord Tenancy law, when she did not oppose the Order, and voluntarily moved out of her Section 8 housing by January 9, 2025. See Initial Decision at 4-6. Moreover, the ALJ found that by not opposing the Order, Petitioner "mitigated her damages" by preserving her credit rating and ability to seek and obtain new housing. Id. at 4. Based on the foregoing, the ALJ found that Petitioner had good cause for her having failed to pay her rent, and had made the right choice to voluntarily vacate her housing, and as such, had not caused her own homelessness. Id. at 5-6; see also N.J.A.C. 10:90-6.1(c) (3). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 7; see also Exhibit R-1 at 3-4. Based on the particular circumstances of this case, I agree.



By way of comment, Petitioner is advised that it is the Agency who determines the most appropriate form of EA benefits required to address her needs, which may include shelter placement. N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version. January 17, 2025

Natasha Johnson
Assistant Commissioner

