



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 **05004-24 A.M.**

AGENCY DKT. NO. **C294285020 (UNION COUNTY DIVISION 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 she moved to New Jersey ("NJ") without a plan for self-sufficiency and that she refused appropriate placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Beginning on April 19, 2024, and concluding on April 22, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 22, 2024, 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, based on the discussion below.

Based on an independent review of the record, it is clear that Petitioner came to NJ to stay with a friend, but that arrangement was for a short-term period only. See Initial Decision at 2, 4. Thereafter, Petitioner applied for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") cash benefits and EA benefits with the Agency. *Ibid.* The record does indicate that Petitioner is currently receiving WFNJ/TANF benefits. *Id.* at 2; see also N.J.A.C. 10:90-6.2(a). The record further indicates that Petitioner was offered shelter placement in Newark, but that she had refused said placement as she had already enrolled her children in school, and was not advised that arrangements could be made to transport her children to school. See Initial Decision at 2-3. The Agency asserts that this refusal constitutes a basis for deeming her ineligible for EA benefits and imposing a six-month period of ineligibility for EA benefits. *Id.* at 3. I disagree, given that Petitioner had not been advised as to the arrangements that could be made with respect to having her children transported to their school, and it for this reason alone that Petitioner refused the offered housing placement. As such, for this specific reason, I find that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 5. Petitioner is reminded that the Agency "shall determine" the most appropriate form of emergency housing required to address the needs of an EA recipient, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1). The Initial Decision is modified to reflect these findings.

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



Officially approved final version. April 24, 2024

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Natasha Johnson  
Assistant Commissioner

