



## State of New Jersey

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*Governor*

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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 **04990-24 D.K.**

AGENCY DKT. NO. **C434807007 (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 had the capacity to plan to prevent homelessness, and had failed to provide documentation proving eviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing began on April 19, 2024, before the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), and resumed on April 22, 2024, during which the ALJ took testimony and admitted documents. On April 22, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on April 24, 2024.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and the filed Exceptions, and I hereby DISMISS Petitioner's appeal as moot, based on the discussion below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. During testimony given by Petitioner on April 19, 2024, Petitioner stated that she was in Delaware and had been placed in a motel there. See Exceptions at 1. Further, during the continued hearing on April 22, 2024, Petitioner stated that she was returning to the same placement. Ibid. As Petitioner has left New Jersey, is now residing in another state, and is not currently homeless or imminently homeless, having been placed in that other state, I find there is no emergency, and as such, no contested issue exists and Petitioner's appeal is therefore moot.

By way of comment, while the ALJ referenced a Warrant of Removal as having been provided by Petitioner during the second day of the hearing, see Initial Decision at 3, no copy of said Warrant of Removal was entered into evidence, and cannot therefore be considered as evidence of proof of an eviction, thereby necessitating reversal of the Agency's denial. See N.J.A.C. 10:90-6.3(a)(1)(ii).

Accordingly, based on the foregoing, I find that no contested issue exists, and I therefore DISMISS Petitioner's appeal as moot.



Officially approved final version. April 25, 2024

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Natasha Johnson  
Assistant Commissioner

