



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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

FINAL DECISION

OAL DKT. NO. HPW **05224-24 K.K.**

AGENCY DKT. NO. **C256372007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 Petitioner had been evicted from subsidized housing, due to criminal actions of Petitioner's adult son who did not reside with him. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 23, 2024, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 24, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Here, the record reflects that Petitioner had been residing in subsidized housing for some time prior to his eviction. See Initial Decision at 2; see also Exhibits R-1, R-3. Petitioner was evicted from his subsidized housing due to a criminal incident involving Petitioner's 30-year old son, who did not live with him, and who had "signed in" to Petitioner's housing residence without invitation. See Initial Decision at 2; see also Exhibit R-3. The ALJ in this matter found Petitioner's testimony credible when he stated that he was not involved in the criminal incident, that he had no advanced knowledge of it, or that he could have stopped it. See Initial Decision at 2. Of note, it does appear that Petitioner's subsidized housing voucher may still be valid. Id. at 4. Based on the foregoing facts, and noting that applicable regulatory authority does not penalize those who are evicted due to the criminal actions of others, the ALJ found that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month period of EA ineligibility, were improper and must be reversed. Ibid.; see also N.J.A.C. 10:90-6.1(c)(3)(iii). I agree.

No Exceptions to the Initial Decision were received.

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.

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



Officially approved final version. April 24, 2024

Natasha Johnson
Assistant Commissioner

