



## State of New Jersey

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*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 3318-24 M.C.

AGENCY DKT. NO. C036632005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioners ("M.C." and "B.C.") appeal 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 Petitioners EA benefits, and imposed a six-month EA ineligibility penalty, contending that they had failed to use their resources to resolve their homelessness. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 14, 2024, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 15, 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, REVERSE the Agency's determination, and REMAND the matter back to the Agency, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.2(a), only Work First New Jersey ("WFNJ") cash recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits.

Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-7. Specifically, based on Petitioners particular circumstances, the ALJ found that Petitioners uses of the available monetary resources from the sale of their home, as substantiated by the record, were "reasonable," and therefore, in accordance with relevant regulatory authority, Petitioners did not cause their own homelessness. *Id.* at 2-6; see also Exhibits P-1 through P-8, R-1 at 23-50, 76-121, and N.J.A.C. 10:90-6.1(c)(1)(ii). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioners, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 5-7; see also Exhibit R-1 at 17-22.

While I agree with the ALJ's conclusion to reverse the Agency's determination based on the facts presented, nonetheless, there is no indication in the record that Petitioners have been approved for WFNJ benefits, but rather there is only a hand written notation that Petitioners WFNJ/General Assistance ("WFNJ/GA") application was pending, and I take official notice that the records of this office do not indicate that any WFNJ/GA cash benefits have been paid. See Exhibit R-1 at 55; see also N.J.A.C. 1:1-15.2(a), N.J.R.E. 201(b)(4). Until such time as Petitioners are approved for WFNJ, or SSI, benefits, they are ineligible for EA benefits. See N.J.A.C. 10:90-6.2(a). Accordingly, this matter is remanded to the Agency to expedite Petitioners WFNJ benefits application, if still pending. If WFNJ benefits have been granted, then the Agency is to also



grant EA benefits, in accordance with this decision. If Petitioners application for WFNJ benefits has been denied, then Petitioners may request another fair hearing on that denial, but the earlier denial of EA benefits would also stand due to lack of WFNJ eligibility. The Initial Decision is modified to reflect these findings.

By way of further comment, Petitioners are advised that, should they be awarded EA benefits, 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).

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

Officially approved final version. March 28, 2024

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Natasha Johnson  
Assistant Commissioner

