



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 03221-24 S.R.

AGENCY DKT. NO. **C150808009 (HUDSON COUNTY DEPT OF FAM 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 failed to provide documentation to show that she had an emergency, and that she caused her own homelessness by moving into her mother's senior housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic hearing was initially scheduled for March 11, 2024, but due to a scheduling error, it was adjourned to March 12, 2024. On that date, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On that same date, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Stephanie Perrotta, Garden State CDC Case Manager, on behalf of Petitioner on March 20, 2024.

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 MODIFY the Agency's determination, 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. Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). Such documentation may be in the form of a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. *Ibid.*

Here, the ALJ concluded that Petitioner was ineligible for EA benefits on the basis that she is not homeless or imminently homeless. See Initial Decision at 8. Specifically, the ALJ's conclusion was based on the fact that Petitioner had failed to provide documentation that she could no longer live with her mother, could no longer live in the shelter where she had resided, or could no longer stay at the hotel where she claimed that she currently resides. See Initial Decision at 2, 7. Moreover, the record reflects that, at the time of the hearing, Petitioner may have currently been residing at her mother's apartment. See Initial Decision at 2. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 7; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.1(c), -6.3(a)(1)(ii). Based on the record presented, I agree.



Additionally, as the ALJ has concluded that Petitioner is not homeless, or imminently homeless, I find that it cannot be said that that Petitioner caused her own homelessness, as determined by the Agency in its adverse action notice. See Initial Decision at 7; see also Exhibit R-1 at 2, and N.J.A.C. 10:90-6.1(c)(3). Therefore, I find that Petitioner is not subject to a six-month EA ineligibility penalty. Accordingly, I conclude that the Agency's determination that Petitioner caused her own homeless and the consequent imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Exhibit R-1 at 1-4. The Initial Decision and the Agency's determination are modified to reflect this finding.

By way of comment, Petitioner included documents with her Exceptions which were not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. However, Petitioner is advised that she may reapply for EA benefits, and is further advised to provide said documentation to the Agency, if she has not already done so, as they appear to provide proof of current homelessness.

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

Officially approved final version. March 21, 2024

Natasha Johnson
Assistant Commissioner

