



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 **03572-24 T.R.**

AGENCY DKT. NO. **C206987009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of an extreme hardship extension of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner an extension of EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had failed to comply with her EA service plan ("SP"), by failing to pay her 30 percent pro rata share of rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 20, 2024, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 21, 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 AFFIRM the Agency's determination, based on the discussion below.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). 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 in advance for substitute housing." EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause," including, but not limited to, "[f]ailure to comply with the mandatory activities identified in the EA service plan." See N.J.A.C. 10:90-6.1(c)(3)(ix).

Here, based on an independent review of the record, I find, and the record substantiates, that Petitioner executed an SP wherein she agreed, and wherein it was mandated, that among other things, she was required to "Pay 30% [monthly] rent contribution \$420 eff. Dec. 1, 2023," "[a]nd submit proof of payment to the Social Worker." See Initial Decision at 3; see also Exhibit R-2; see also N.J.A.C. 10:90-6.6(a). The record also reflects that Petitioner failed to pay her portion of the rent for the months of December 2023, and January 2024, and accordingly, by notice dated February 14, 2024, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, citing to N.J.A.C. 10:90-6.1(c)(3)(ix), which I find to be relevant regulatory authority in this instance. *Id.* at 3; see also Exhibits R-1, R-3. Moreover, Petitioner admitted that she had failed to pay her December 2023, and January 2024 portion of the rent. See Initial Decision at 3. Additionally, the ALJ found that Petitioner had failed to comply with her SP by failing to pay her portion of the monthly rent. *Id.* at 5. Nevertheless, the ALJ reversed the Agency's denial, finding that Petitioner was not properly noticed of that denial, as



the regulation cited in said notice, N.J.A.C. 10:90-6.1(c)(3)(ix), did not apply to the facts of this case, as there was no allegation that Petitioner had voluntarily quit her employment resulting in her “actual or imminent state of homeless.” See Initial Decision at 4-6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3), - 9.1(a). I find the ALJ’s assertions to be misplaced. Specifically, while the first portion of N.J.A.C. 10:90-6.1(c)(3) references a voluntary quit of employment, I find that the latter portion of that subsection, beginning with the word “[n]or,” is separate and apart from a voluntary quit, and delineates instances where an EA applicant or recipient has caused their own homelessness, without good cause, and includes a failure to comply with an EA service plan, for which a six-month EA ineligibility penalty is mandated. I further find that, while the overarching theme of this regulatory subsection is causing one’s own homelessness, and instances resulting in said status, the two portions of this subsection stand on their own, and are not to be read as dependent upon the other. Based on the foregoing, I conclude that the Agency’s denial of an extreme hardship extension of EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(ix). The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner’s six-month EA ineligibility penalty shall run from February 14, 2024, the effective date of the Agency’s denial, through August 14, 2024.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency’s determination is AFFIRMED.

Officially approved final version. March 28, 2024

Natasha Johnson
Assistant Commissioner

