



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
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 **04711-23 C.J.**

AGENCY DKT. NO. **C095340015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that his emergency was not beyond his control, and thereby, had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 2, 2023, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 5, 2023, the ALJ issued an Initial Decision, affirming 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.

In order to be eligible for EA benefits, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). Additionally, 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." See N.J.A.C. 10:90-6.1(c)(3).

Only Work First New Jersey cash assistance recipients and Supplemental Security Income recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, I concur with the ALJ's conclusion that Petitioner had caused his own homelessness. See Initial Decision at 3-5. However, I find that such causation occurred in August and September 2022. See Initial Decision at 2-3; see also Exhibits R-7, R-8, and R-9. Based on an independent review of the record, I find that Petitioner's initial incarceration occurred on August 31, 2022, at least nine months prior to his application for EA benefits, dated May 17, 2023, and that the Agency had already terminated his EA benefits by notice dated September 16, 2022, effective August 31, 2022, on the basis of that incarceration. See Initial Decision at 2-3; see also Exhibits R-2, R-4, R-5, R-7, R-8, and R-9, and



N.J.A.C. 10:90-6.1(c)(3). At that time the Agency could have, and should have, imposed a six-month ineligibility penalty for EA benefits, which would have expired prior to Petitioner's current application for EA benefits. See N.J.A.C. 10:90-6.1(c)(3). Accordingly, I find that Petitioner's incarceration is too remote in time to now form the basis for the Agency's denial of EA benefits, that Petitioner's emergency was not due to circumstances beyond his control, and that he had thereby caused his own homelessness, and as such I find that the Agency's denial of EA benefits to Petitioner on that basis was improper. See Exhibit R-1; see also N.J.A.C. 10:90-6.1(c). However, it is unclear from the record whether Petitioner meets all other eligibility requirements for EA benefits, and therefore, I remand the matter back to the Agency to reevaluate Petitioner's eligibility for EA benefits on an expedited basis. See Initial Decision at 2-3; see also Exhibit R-10, and N.J.A.C. 10:90-6.1 et seq. Additionally, the Agency shall provide Petitioner with immediate need housing pending said reevaluation. See N.J.A.C. 10:90-1.3. Further, should the reevaluation of Petitioner's eligibility for EA benefits result in a denial, Petitioner may request another fair hearing on the basis for said denial. The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner is advised that he must provide the Agency with all requested documentation, and that failure to do so in a timely manner may again result in the denial of his EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-2.2(a)(5).

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

Officially approved final version. June 12, 2023

Natasha Johnson
Assistant Commissioner

