



## 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 **09926-23 F.K.**

AGENCY DKT. NO. **C251556009 (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 voluntarily left her residence with legal notice of eviction, and that she failed to provide documentation required to establish an emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 29, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 5, 2023, the ALJ issued an Initial Decision, affirming in part, and reversing in part, the Agency's determination. Here, the ALJ found that Petitioner had entered into an agreement with her landlord to vacate her residence due to the fact that she could no longer afford the rent on the apartment. See Initial Decision at 2-4; see also Exhibits P-1, P-2, R-3, and R-4. The ALJ also found that in accordance with tenancy law, and in order to protect her future ability to rent, Petitioner had done the right thing by entering into such agreement. See Initial Decision at 3-5. Further, the ALJ found that Petitioner is currently residing with a friend, and that there is no documentary evidence to indicate that she may no longer continue to reside with that friend. *Id.* at 3-4. Based on the foregoing, the ALJ concluded that because Petitioner is no longer in her apartment and no rental arrears are due, and because she currently resides with a friend, there is no emergency, and the need for EA benefits is moot. *Id.* at 4-5. On those bases, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must be affirmed. *Id.* at 5-6; see also Exhibit R-1 and N.J.A.C. 10:90-6.1(c). I agree. Furthermore, as the ALJ also found that Petitioner had good cause for voluntarily vacating her residence, on that basis, the ALJ concluded that the Agency's imposition of a six-month EA ineligibility penalty was improper and must be reversed. See Initial Decision at 3-5; see also Exhibit R-1 and N.J.A.C. 10:90-6.1(c)(3). I also 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.

By way of comment, Petitioner is advised that should her circumstances change, she is without prejudice to reapply for EA benefits.



By way of further comment, the record reflects that Petitioner is employable, but currently lacks child care. Therefore, Petitioner is advised that once she obtains employment, she may contact the Agency to apply for childcare services. See Initial Decision at 2-3; see also N.J.A.C. 10:90-4.10(c), -5.2.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version.      October 17, 2023

---

Natasha Johnson  
Assistant Commissioner

