



## State of New Jersey

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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 **04600-23 K.P.**

AGENCY DKT. NO. **C519467002 (BERGEN COUNTY BD. OF SOC. 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 caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 26, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 30, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty because during the eviction proceedings, Petitioner agreed to an uncontested "lockout" effective May 23, 2023, thereby causing her own homelessness. See Initial Decision at 2-4; see also Exhibit R-1 at 1, 6-10, 13-14, and N.J.A.C. 10:90-6.1(c)(3). However, based on Petitioner's credible testimony, the ALJ found that Petitioner had never been involved in an eviction, and did not have the benefit of counsel to advise her of her rights. See Initial Decision at 2. Further, the record reflects that Petitioner was going to be evicted regardless of whether or not she had agreed to said uncontested "lockout." Ibid. The record also reflects that Petitioner has found temporary alternative housing at the Hart House. Id. at 3-4. Based on the testimony and evidence presented, the ALJ concluded that Petitioner had not caused her own homelessness, and that the Agency's denial of EA benefits to Petitioner, and imposition of a six-month EA ineligibility penalty, were improper and must be reversed. Ibid.; see also Exhibit R-1 at 1. I agree. Accordingly, the ALJ ordered the Agency to immediately commence EA benefit payments to the Hart House. See Initial Decision at 5. 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.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.



Officially approved final version. June 06, 2023

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Natasha Johnson  
Assistant Commissioner

