



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 13641-23 M.G.

AGENCY DKT. NO. S625530012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent, 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 was not homeless or imminently homeless due to circumstances beyond her control, that she had the capacity to plan to avoid her emergency, but failed to do so, and that she had failed to provide proof of eviction proceedings or past due rent documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 13, 2023, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

Also on December 13, 2023, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits to Petitioner, and reversing the imposition of a six-month EA ineligibility penalty. Here, the ALJ found that Petitioner is not homeless or imminently homeless, as no eviction proceedings had occurred at the time of her EA application, or at the time of the fair hearing. See Initial Decision at 3-6. Additionally, the ALJ found that Petitioner had sufficient resources available to pay her rent, but failed to do so, that she had failed to provide documentation of how much rent was past due and owing, and that she had failed to provide sufficient evidence to show that her available funds were spent on items deemed appropriate, necessary, or reasonable. See Initial Decision at 2-6; see also Exhibits R-3 through R-7. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6; see also Exhibit R-8, and N.J.A.C. 10:90-2.2(a)(5), -6.1(c)(1)(ii), (3). I agree. However, as Petitioner is not homeless or imminently homeless, the ALJ concluded that the imposition of a six-month EA ineligibility penalty is not applicable in this matter and must be reversed. See Initial Decision at 6; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c)(3). I also agree.

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 AFFIRMED in part, and REVERSED in part, as outlined above.



Officially approved final version. December 28, 2023

Natasha Johnson
Assistant Commissioner

