



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 **04294-23 S.P.**

AGENCY DKT. NO. **C040672005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he has no emergency, as he is currently residing in his family home. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 15, 2023, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open for Petitioner to provide additional documentation, and then closed on June 19, 2023. On June 27, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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 to avoid their emergent situation.

Here, the ALJ concluded the Petitioner was ineligible for EA benefits on the basis that he is not homeless or imminently homeless. See Initial Decision at 4, 5. Specifically, the ALJ's conclusion was due to the fact that Petitioner is currently residing in his family home. *Id.* at 5. Based on foregoing, the ALJ concluded that Agency's decision to deny EA benefits was proper and must stand. *Ibid.*; see also N.J.A.C. 10:90-6.1(c). I agree.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and Agency's determination is AFFIRMED.



Officially approved final version. August 9, 2023

Natasha Johnson
Assistant Commissioner

