



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 11421-23 T.A.

AGENCY DKT. NO. C254263009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid her homelessness, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 30, 2023, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 31, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had sufficient funds and the capacity to plan to avoid homelessness, but failed to do so. See Initial Decision at 2-6; see also Exhibit R-1 at 3-6, and N.J.A.C. 10:90-6.1(c)(1), -6.1(c)(3)(v). Specifically, the ALJ found that Petitioner, rather than paying her affordable rent, chose to use her funds to travel back to her home country, with her two children, to take care of an alleged medical condition, which she failed to substantiate in the record, resulting in her eviction. See Initial Decision at 2-3, 5; see also Exhibit R-1 at 12-16. Based on the foregoing, the ALJ concluded that Petitioner had abandoned affordable housing, thereby causing her own homeless, and as such, further concluded that the Agency's denial of EA benefit to Petitioner was proper and must stand. See Initial Decision at 2, 5-6; see also Exhibit R-1 at 7-11, and N.J.A.C. 10:90-6.1(c)(3)(v), (vii). I agree. Further, the ALJ found that Petitioner was ineligible for EA benefits on the basis that she, admittedly, voluntarily quit two jobs, without good cause, due to alleged medical reasons, which were unsubstantiated in the record. See Initial Decision at 3, 5-6; see also N.J.A.C. 10:90-6.1(c)(3). I also agree. Additionally, the ALJ found that Petitioner resumed employment on October 16, 2023, that her current income puts her over the maximum allowable income eligibility level for receipt of Work First New Jersey/Temporary Assistance for Needy Families benefits for a family of three, and as such, she is ineligible for EA benefits. See Initial Decision at 3-4, 6; see also N.J.A.C. 10:90-3.1(a), (b), -3.2, -3.3(a), -6.2(a) (limiting eligibility for EA benefits to WFNJ and Supplemental Security Income benefits recipients), and Division of Family Development Informational Transmittal ("DFD IT") No. 19-21. Again, I agree. Nevertheless, the record reflects that the Agency is willing to assist Petitioner with obtaining funds for a security deposit and first



month's rent, through the Social Services for the Homeless ("SSH") Program, at such time that she provides proof that she has found affordable housing. See Initial Decision at 4.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, DFD, 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.

Officially approved final version. November 14, 2023

Natasha Johnson
Assistant Commissioner

