



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 **00695-23 V.M.**

AGENCY DKT. NO. **C135926009 (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 moved to New Jersey ("NJ") without a plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 25, 2023, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 26, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner moved to NJ from another state without an offer of employment or without a plan for permanent housing, and that her plan was to move to NJ and temporarily reside with her sister until such time as she was granted Work First New Jersey ("WFNJ") and EA benefits. See Initial Decision at 2. The record also reflects that Petitioner had admitted that she moved to NJ without having a job or an unconditional job offer. See Initial Decision at 2-3. Although Petitioner claimed that the father of her child, who is a member of the assistance unit, had found a job in NJ for one-week, she failed to provide any proof of such employment. *Id.* at 2. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 3-4; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.1(c)(3). I agree. Further, although not an issue in this fair hearing, the ALJ found that Petitioner had been determined ineligible for WFNJ cash benefits, and on that basis, I also find that Petitioner would also be ineligible for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and Supplemental Security Income benefits recipients).

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, because the ALJ concluded that Petitioner had moved to NJ without a plan for self-sufficiency, I find that Petitioner caused her own homelessness, and as such, I also find that the Agency's imposition of a six-month EA ineligibility penalty was also proper and must stand. See Initial Decision at 3-4; see also Exhibit R-21 at 1-4, and N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall run from December 28, 2022, the effective date of the Agency's denial, through June 27, 2023. See Exhibit R-1 at 2.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version. February 2, 2023

Natasha Johnson
Assistant Commissioner

