



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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*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 13307-23 D.G.

AGENCY DKT. NO. C162212011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month EA ineligibility penalty. 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 ("OAL") for a hearing. On December 4, 2023, and continuing on December 5, 2023, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Petitioner voluntarily changed the status of the case from an emergent to a non-emergent, as her six-month EA ineligibility penalty was about to expire. Therefore, the record was held open to December 12, 2023, to allow the parties to submit closing summations. Respondent submitted its closing summation, Petitioner did not, and the record then closed on that date. On December 19, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination, but rendering the issue moot.

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 MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

"A permanent residence is not an eligibility requirement. If an applicant expresses an intent to reside in the county or municipality, by providing verification of residence or by affirmatively stating his or her intent to reside in the jurisdiction, for purposes of WFNJ eligibility, the applicant shall be deemed to be a resident of such county and/or municipality." See N.J.A.C. 10:90-2.12(c).

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. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). EA



benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

Pursuant to N.J.A.C. 10:90-6.2(a), only Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits.

Here, the record reflects that, by notice dated June 9, 2023, the Agency denied EA benefits to Petitioner, and imposed a six-month EA ineligibility penalty effective June 9, 2023, through December 9, 2023, contending that Petitioner caused her own homelessness by failing to complete all necessary Section 8 housing, and Covid-19 paperwork, and by failing to notify the Agency in a timely manner that her rent was unaffordable. See Initial Decision at 1-2, 4-6, 8-9; see also Exhibits P-10, P-11, R-3, R-5, R-6, R-9 and N.J.A.C. 10:90-6.1(c)(3). Based on the testimony and documentary evidence provided, the ALJ concluded that Petitioner had not caused her own homelessness, that she intends to permanently move back to Mercer County, and accordingly, reversed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 2-13, 17-18; see also Exhibits P-8, P-9, P-10, P-11, R-3, R-5 through R-9. Regardless, the ALJ further concluded that Petitioner's EA issue is moot, as her six-month EA ineligibility has expired, and she may now reapply for EA benefits. See Initial Decision at 18; see also Exhibit R-3. I agree that Petitioner's EA issue is now moot, however, the record also reflects that Petitioner is not currently a WFNJ benefits recipient, that she is not currently homeless or imminently homeless, and that she is not currently a resident of Mercer County, all requirements for EA benefits eligibility. See Initial Decision at 8-9, 14; see also Exhibit P-2 at 3-4. Therefore, I find that Petitioner may reapply for EA benefits, with eligibility contingent upon, among possible other things, that she be found eligible for WFNJ benefits, that she establish that she is homeless or imminently homeless, and that she reside in, or establish her intent to reside in Mercer County. See N.J.A.C. 10:90-6.1 et seq., -2.12(c). The Initial Decision and the Agency's determination are modified to reflect these findings.

Additionally, although not a transmitted issue, the ALJ reversed the Agency's September 20, 2023, termination of Petitioner's WFNJ/Temporary Assistance for Needy Families ("TANF") benefits, on the basis that she had exhausted her lifetime limit for receipt of such benefits, and did not qualify for an exemption from, or extension of said benefits. See Initial Decision at 14-18; see also Exhibit P-2 at 1-2; and N.J.A.C. 10:90-2.3(a), -2.4, -2.5. The ALJ's reversal was based on the finding that prior to its termination of Petitioner's WFNJ/TANF benefits, the Agency had not evaluated Petitioner for a Family Violence Option ("FVO") waiver, which may have exempted Petitioner from the WFNJ/TANF benefits time limit. See Initial Decision at 11, 14-17; see also N.J.A.C. 10:90-2.4(a)(5), -20.1 et seq. Accordingly, the ALJ ordered the Agency to reevaluate Petitioner's domestic violence claims to determine her eligibility for an exemption from the WFNJ benefits time limit. See Initial Decision at 18; see also N.J.A.C. 10:90-20.1 et. seq. However, I find that Petitioner may reapply for WFNJ/TANF benefits, but that among other eligibility requirements for said benefits, she must establish that she resides in, or intends to reside in Mercer County, must apply for an FVO waiver of the WFNJ time limits, and must comply with all FVO program eligibility requirements. See Initial Decision at 15-16; see also N.J.A.C. 10:90-2.2, -2.12(c), -20.1 et seq. The Initial Decision is also modified to reflect these findings.

By way of comment, as the record indicates that Petitioner may have an open case with the Division of Child Protection and Permanency ("DCPP"), the Agency is directed to forward a copy of the Initial and Final Decisions to DCPP, as applicable. See Initial Decision at 5.

By way of comment, I take official notice that the records of this office indicate that Petitioner was scheduled for a recent fair hearing on a denial of WFNJ/TANF benefits due to exhaustion of the lifetime limit, but said fair hearing arose out of Burlington County, and not Mercer County. It is unclear if that fair hearing proceeded as scheduled.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is MODIFIED, as outlined above.



Officially approved final version. February 01, 2024

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Natasha Johnson  
Assistant Commissioner

