



State of New Jersey

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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 **01603-24 J.M.**

AGENCY DKT. NO. **C457665004 (CAMDEN-CCBSS)**

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 had been evicted from permanent housing due to her own actions, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 9, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 12, 2024, the ALJ issued an Initial Decision, affirming, on other grounds, the Agency's denial of EA benefits, and reversing the Agency's imposition of a six-month EA ineligibility penalty. Here, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that her altercation with another housing resident caused her to be evicted from permanent housing, thereby causing her own homelessness. See Initial Decision at 2-4; see also Exhibit R-1 at 2, 5-8, and N.J.A.C. 10:90-6.1(c)(3)(vi). The ALJ found that the Agency had failed to prove, by a preponderance of credible evidence, that Petitioner had engaged in the alleged action that lead to her eviction. See Initial Decision at 6; see also N.J.A.C. 1:1-15.5(b). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, on that basis, was improper. See Initial Decision at 6; see also Exhibit R-1 at 5-8. I agree. However, the ALJ found that, at the time of the Agency's November 21, 2023, denial Petitioner was not homeless, as she was permitted to reside at her then current shelter until February 12, 2024, and as such, concluded that she was ineligible for EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c). Based on the foregoing, particularly the lack of sufficient evidence to establish that Petitioner had caused her own homelessness, the ALJ also concluded that the Agency's imposition of a six-month EA ineligibility penalty did not apply in this instance. See Initial Decision at 6. On those bases, the ALJ affirmed the Agency's denial of EA benefits to Petitioner, and reversed the Agency's imposition of six-month EA ineligibility penalty. Id. at 6-7; see also Exhibit R-1 at 5-8, and N.J.A.C. 10:90-6.1(c)(3). I also agree. Further, as it appears from the record that Petitioner may now be homeless, the ALJ concluded that Petitioner may reapply for EA benefits should her circumstances warrant same. See Initial Decision at 5. Again, I agree.

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.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's denial of EA benefits to Petitioner is AFFIRMED, on other grounds, and the imposition of a six-month EA ineligibility penalty is REVERSED, as outlined above.



Officially approved final version. February 21, 2024

Natasha Johnson
Assistant Commissioner

