



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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

AMENDED DECISION

OAL DKT. NO. HPW **00628-24 M.N.**

AGENCY DKT. NO. **C289320020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

A Final Agency Decision ("FAD") was issued in this matter on January 25, 2024. This Amended FAD is being issued to recognize receipt of Exceptions filed by counsel to Petitioner, and received by this office on January 19, 2024.

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 he had the capacity to plan to avoid his emergent situation, but failed to do so, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 16, 2024, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On January 17, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had moved to New Jersey ("NJ") from Nevada, abandoning cash assistance, SNAP benefits, and Medicaid benefits, without a plan for self-sufficiency upon arrival in NJ. See Initial Decision at 2-3, 5; see also Exhibits P-3, P-4, P-5, R-1 at 2, 3-7. Of note, the record indicates that since arriving in NJ on November 6, 2023, Petitioner has had no place to stay and no employment lined up. See Initial Decision at 2-3, Exhibit R-1 at 8-9. The ALJ also found that Petitioner's basic needs were being met in Nevada. See Initial Decision at 3, 5. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. Id. at 3-5; see also Exhibit P-5, and N.J.A.C. 10:90-6.1(c)(3). I agree.

Exceptions to the Initial Decision were received from counsel to Petitioner on January 19, 2024.

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, Petitioner is advised that the six-month EA ineligibility penalty shall run from January 5, 2024, the effective date of the Agency's denial, through July 5, 2024. See Initial Decision at 5; see also Exhibit P-2.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments therein do not alter my decision in this matter.

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



Officially approved final version.

February 14, 2024

Natasha Johnson

Assistant Commissioner

