



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **00319-24 R.B.**

AGENCY DKT. NO. **C036625005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)**

On January 25, 2024, a Final Agency Decision ("FAD") was issued in this matter. This Amended FAD is being issued for clarification with respect to the regulatory residency requirement.

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because he failed to provide the Agency with the documents required to determine EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 10, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 11, 2024, the ALJ issued an Initial Decision, affirming Agency's determination.

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 AFFIRM 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).

Here, the record reflects that Petitioner applied for EA benefits and was denied by the Agency because he failed to provide them with sufficient documentation of residency in Cape May County, and documentation of actual or imminent homelessness, a threshold criterion for EA eligibility. See Initial Decision at 2-5; see also Exhibit R-1 at 10-14, and N.J.A.C. 10:90-6.1(c). Specifically, the ALJ found that the documentation Petitioner had provided to the Agency as proof of residency, and of actual or imminent homelessness, was insufficient, and unverifiable by the Agency. See Initial Decision at 2-5; see also Exhibit R-1 at 20-84. The record also reflects that the Agency had made an attempt at verifying said documentation, but to no avail. See Initial Decision at 3, 5, 7; see also N.J.A.C. 10:90-6.3(a)(1)(ii). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 7-8; see also Exhibit R-1 at 10-14. I agree with the ALJ's ultimate conclusion, however to clarify, regulatory authority does not require proof of residency, but rather only requires Petitioner to affirmatively state his intent is to reside in Cape May County, and therefore, I find that the Agency's denial of EA benefits to Petitioner was proper on the basis that he failed to provide the Agency with sufficient and verifiable proof that he is homeless, or imminently homeless. See



Initial Decision at 4-5, 7-8; see also Exhibit R-1 at 10-14, and N.J.A.C. 10:90-2.12(c). The Initial Decision is modified to reflect this finding. The ALJ further concluded that Petitioner was not precluded from reapplying for EA benefits. See Initial Decision at 7. I also agree.

By way of comment, Petitioner may re-apply for EA benefits provided he continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1. However, Petitioner must provide the Agency with all requested, necessary, and verifiable, documents needed to determine his EA benefits eligibility. See Initial Decision at 7; see also N.J.A.C. 10:90-6.1(c).

Accordingly, the Initial Decision is MODIFIED and the Agency's action is AFFIRMED.

Officially approved final version. February 14, 2024

Natasha Johnson
Assistant Commissioner

