



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 14107-23 S.F.

AGENCY DKT. NO. C059620008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for 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 was evicted from two immediate need motel placements because of a violation of the motel rules, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 27, 2023, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 28, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination with respect to the EA denial, but reversing the imposition of a six-month EA ineligibility penalty.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 in part the Agency determination with respect to the EA benefits denial, and REVERSE in part the Agency's determination with regards to the imposition of a six-month EA ineligibility penalty, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for [Work First New Jersey] WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made," which is not to exceed 30 days. In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1). Of note, immediate need assistance is not EA, and the denial/termination of immediate need assistance is not appealable.

Pursuant to N.J.A.C. 10:90-6.3(i)(1), "[o]n a case-by-case basis and in consultation with DFD, the [six-month EA ineligibility] penalty may also be lifted when deemed appropriate by the county or municipal agency.

Here, it appears from the record that prior to being approved for EA benefits, Petitioner was granted immediate need motel placements, and was required to abide by motel rules. See Initial Decision at 2-3; see also Exhibit R-1 at 8. Further, the record reflects that Petitioner had been terminated from two of her immediate need housing placements due to repeated disruptive behaviors, thereby causing her own emergent situation. See Initial Decision at 3-5; see also Exhibit R-1 at 1-3, 15-16. Based on the credible testimony of motel personnel, and documentary evidence submitted, the ALJ concluded that Petitioner had caused her own homelessness as a result of her own behavior, and as such, further



concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6-8; see also Exhibit R-1 at 4, and N.J.A.C. 10:90-6.1(c)(3)(vi). I agree.

However, the ALJ found that Petitioner's mental health issues may have created barriers, inhibiting her ability to comply with motel/shelter rules, and as such, concluded that the Agency's imposition of a six-month EA ineligibility penalty should be waived, provided Petitioner agrees to participate in a mental health service program recommended by the Agency. See Initial Decision at 5-8; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.2(c)(1)(i), -6.3(i)(1). I also agree, and accordingly, reverse the Agency's imposition of a six-month EA ineligibility penalty. See Exhibit R-1 at 4. Therefore, Petitioner is advised that she may reapply for EA benefits, with eligibility contingent upon her participation in the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program, and provided she be found otherwise eligible for EA benefits, as set forth at N.J.A.C. 10:90-6.1 et seq. See N.J.A.C. 10:90-18.1 et seq. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's determination is AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version. January 10, 2024

Natasha Johnson
Assistant Commissioner

