



## 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

FINAL DECISION

OAL DKT. NO. HPW 11315-24 S.L.

AGENCY DKT. NO. C177116003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

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 the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 22, 2024, the Honorable Allison Friedman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 23, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found, the Agency acknowledged, and the record substantiates, that Petitioner had no knowledge that the apartment rent was not being paid by her boyfriend, also a tenant on the lease, and that she had no knowledge of any pending eviction until such time as she was advised by the landlord that she was required to vacate the property. See Initial Decision at 2-3; see also Exhibit R-C at 7-10. Unbeknownst to Petitioner, her boyfriend had entered into an agreement with the landlord to vacate the family from the property upon return of the security deposit, which payment was to be made out directly to him. See Initial Decision at 2-3; see also Exhibit R-C at 7. Upon receipt of said security deposit, Petitioner's boyfriend still had not advised Petitioner of the agreement, but rather, abandoned the family, thereby causing Petitioner's emergent situation. See Initial Decision at 3-4. Based on the foregoing, and Petitioner's credible testimony, the ALJ concluded that Petitioner had not created her own homelessness, that her emergent situation was beyond her control, and that she could not have planned to avoid her emergent situation. Ibid. Accordingly, the ALJ found Petitioner eligible for EA benefits, and reversed the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty. Id. at 4; see also Exhibit R-D at 11-13, and N.J.A.C. 10:90-6.1(c). 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, and the Agency's determination is REVERSED.



Officially approved final version. August 28, 2024

---

Natasha Johnson  
Assistant Commissioner

