



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 **07731-24 T.B.**

AGENCY DKT. NO. **C782534007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits because she was not a Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") benefits recipient. The Agency also 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 June 11, 2024, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 12, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that, at the time of the hearing, Petitioner was not a WFNJ or SSI benefits recipient, a requirement for EA benefits eligibility. See Initial Decision at 2, 5; see also N.J.A.C. 10:90-6.2(a). Additionally, the ALJ found that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, thereby causing her own housing emergency. See Initial Decision at 3-5; see also N.J.A.C. 10:90-6.1(c)(1)(i), (ii), (3)(v). Specifically, the ALJ found, and the record substantiates, that Petitioner had sufficient time to provide the Agency with documentation of her household income, but failed to do so, a requirement necessary for the Agency to determine WFNJ benefits eligibility, and further, that she had been offered housing by another agency, which she refused. Ibid. Additionally, the ALJ found that Petitioner had failed to provide sufficient evidence that she was homeless or imminently homeless, also a requirement for EA benefits eligibility. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c). 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. See Initial Decision at 4-6. I agree.

Exceptions to the Initial Decision were filed Petitioner on June 17, 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's six-month EA ineligibility penalty shall run from June 5, 2024, the effective date of the Agency's denial, through December 5, 2024.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.



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

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

Officially approved final version. June 25, 2024

Natasha Johnson
Assistant Commissioner

