



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 **01091-24 V.S.**

AGENCY DKT. NO. **C107769003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, the denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she failed to provide required documents and failed to apply for Supplemental Security Income ("SSI") benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she was not a WFNJ or SSI benefits recipient, and that she moved to New Jersey ("NJ") without a plan, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2024, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On February 1, 2024, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits to Petitioner, and reversing the Agency's imposition of six-month EA ineligibility penalty. Here, The ALJ found that, because Petitioner was not a WFNJ or SSI benefits recipient at the time of the Agency's November 17, 2023, denial of EA benefits, Petitioner was ineligible for said benefits at that time. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2(a). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must be upheld. See Initial Decision at 6; see also Exhibit R-1 at 32-35. I agree. However, the ALJ found that, based on the totality of Petitioner's circumstances, her move to NJ was reasonable and plausible, and that she did not abandon affordable housing in South Carolina, nor do anything that would rise to the level of her having caused her own homelessness. See Initial Decision at 3-6; see also Exhibits P-2, P-3, P-4, R-1 at 6. Accordingly, the ALJ concluded that the Agency's imposition of a six-month EA ineligibility penalty was improper and must be reversed. See Initial Decision at 6; see also Exhibit R-1 at 32-35, and N.J.A.C. 10:90-6.1(c)(3). I also agree.

Additionally, the record reflects that Petitioner was denied WFNJ/TANF benefits by notice dated November 14, 2023, and that she has since been granted WFNJ/TANF benefits, effective November 27, 2023. See Initial Decision at 2 fn1; see also Exhibit R-1 at 27-31. As the Agency's November 14, 2023, denial of WFNJ/TANF benefits to Petitioner was not appealed, the matter was not addressed by the ALJ in the Initial Decision, and need not be addressed in this Final Agency Decision. See Initial Decision at 6. Further, as Petitioner is now receiving WFNJ/TANF benefits, the denial of said benefits is now moot. Id. at 2 fn1.

Exceptions to the Initial Decision were filed by the Agency on February 5, 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, as the record indicates that Petitioner is currently a WFNJ/TANF benefits recipient, she may reapply for EA benefits.

By way of further comment, I have reviewed the Agency's Exceptions, and 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 in part, and REVERSED in part, as outlined above.

Officially approved final version. February 15, 2024

Natasha Johnson
Assistant Commissioner

