



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 **01982-22 E.O.**

AGENCY DKT. NO. **C797874007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial Work First New Jersey/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 17, 2022, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Also on March 17, 2022, the ALJ issued an Initial Decision, affirming the 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.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation.

Only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Based on an independent review of the record, I find that Petitioner applied for WFNJ/GA benefits on March 4, 2022, and that said application is pending approval. See Initial Decision at 2; see also Exhibit R-1 at 37-45. There is no indication in the record that the Agency had approved and/or denied WFNJ/GA benefits to Petitioner as of the date of the hearing. See Exhibit R-1 at 49-54. Consequently, as Petitioner is not a WFNJ or SSI benefits recipient, I conclude that he is presently ineligible for EA benefits. See N.J.A.C. 10:90-6.2(a). Additionally, the ALJ found that Petitioner is not currently homeless, and on that basis, I also agree that Petitioner is ineligible for EA benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.1(c). Should Petitioner's shelter/housing circumstances change while his WFNJ/GA application is pending, the Agency is instructed to provide Petitioner with immediate need housing until



a determination is made on said application. See N.J.A.C. 10:90-1.3(a). The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

March 22, 2022

Natasha Johnson
Assistant Commissioner

