



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*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 **01100-22 K.A.**

AGENCY DKT. NO. **C279486009 (HUDSON COUNTY DEPT OF FAM 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 moved to New Jersey ("NJ") without a plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 17, 2022, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 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.

Here, the ALJ found that Petitioner had voluntarily abandoned permanent housing in another state, and moved to NJ without a plan to support herself or her family, or without a plan for substitute housing arrangements. See Initial Decision at 2-3. Additionally, the ALJ found that Petitioner did not demonstrate that she lacked the capacity to plan for housing in NJ prior to her move, and that she had caused her own homelessness by failing to make such plans. *Id.* at 3. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 2-4; see also "Notification Form," and N.J.A.C. 10:90-6.1(c)(3)(vii). I agree. However, the Initial Decision fails to address the Agency's imposition of a six-month EA ineligibility penalty. See Initial Decision at 4. Therefore, in accordance with the ALJ's conclusion, and applicable regulatory authority, I find that the Agency's imposition of a six-month EA ineligibility penalty was also proper and must stand. See "Notification Form," and N.J.A.C. 10:90-6.1(c)(3). The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from January 31, 2022, the date of the Agency's denial of EA benefits to Petitioner, to July 30, 2022. See "Notification Form."

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.

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



Officially approved final version. February 22, 2022

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Natasha Johnson  
Assistant Commissioner

