



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 **08968-22 Y.R.**

AGENCY DKT. NO. **C090256003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she failed to provide documentation required to determine her EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 13, 2022, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on October 13, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on October 14, 2022.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

EA shall be provided when "[a] lack of realistic capacity to engage in advance planning [for the payment of housing] shall be said to exist." A lack of realistic capacity to plan exists where the assistance unit demonstrates that available funds were exhausted on "items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." See N.J.A.C. 10:90-6.1(c)(1)(ii).

Here, the record reflects that, during the period in question, Petitioner had received an Unemployment Insurance Benefits ("UIB") and severance pay income in the amount of \$21,975.00, and that she had not used those funds to pay her rent. See Initial Decision at 2-3; see also Exhibits R-1 at F. In order to determine Petitioner's EA benefits eligibility, the Agency required Petitioner to provide documentation proving imminent or actual eviction, and documentation indicating how she had spent



the \$21,975.00. See Initial Decision at 2-3; see also Exhibits R-1 at A, B, E, and N.J.A.C. 10:90-6.1(c)(1) (ii), -6.3(a)(1)(ii). Petitioner failed to provide the required documentation, and consequently, the Agency denied EA benefits to Petitioner. See Initial Decision at 3-4; see also Exhibit R-1 at H, I. Based on the testimony and evidence presented, the ALJ concluded that Petitioner had failed to provide the required documentation, and as such, further concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at H. I agree.

By way of comment, Petitioner may reapply for EA benefits and is advised that she must provide the Agency with all requested documentation required to determine her eligibility for said benefits.

By way of further 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.

Officially approved final version.

October 25, 2022

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Natasha Johnson

Assistant Commissioner

