



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 **14887-25 A.D.**

AGENCY DKT. NO. **C463503007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he vacated his apartment in Pennsylvania, and moved to New Jersey without a plan, thus he had the capacity to plan to avoid his own homelessness, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 28, 2025, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 29, 2025, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). The lack of a realistic capacity to plan exists when the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure, or loss of prior permanent housing. See N.J.A.C. 10:90-6.1(c)(1)(i). Ibid.

Here, the record reveals that, on July 18, 2025, Petitioner applied for Work First New Jersey/General Assistance ("WFNJ/GA"), Supplemental Nutrition Assistance Program ("SNAP"), and EA, benefits. See Initial Decision at 2; see also Exhibit R-5. Petitioner was interviewed by the Agency on July 22, 2025 for a shelter placement, and granted a thirty-day immediate need shelter placement from July 22, 2025 to August 21, 2025. See Initial Decision at 2. Prior to applying for EA benefits, Petitioner had been residing in Pennsylvania with his fiancé from February 2022 through May 2025, at which time he was arrested on an outstanding warrant in New Jersey on May 27, 2025, and incarcerated in the county jail for two weeks. Ibid. Petitioner testified that his fiancé was unable to afford the rent for their apartment and that, while he was incarcerated, she left the apartment and moved to New Jersey. Ibid. Petitioner further advised the Agency that he had last been employed in Pennsylvania during January, 2025 and that he was not eligible for Unemployment Insurance Benefits ("UIB"), however no documentary evidence was presented regarding this assertion. See Initial Decision at 2-3. At some point, the Agency advised Petitioner to reapply for WFNJ/GA and SNAP benefits, which applications he made on August 5, 2025. See Initial Decision at 3.



On August 22, 2025, the Agency notified Petitioner that his EA application was denied, citing that Petitioner had failed to take reasonable steps to resolve his emergency as he had not applied for affordable housing, and noting that he abandoned his out-of-state apartment which caused his housing emergency when he had the realistic capacity to plan and failed to do so. See Initial Decision at 3; see also Exhibit R-4 and N.J.A.C. 10:90-6.1(c). Further, the notice indicated that Petitioner had failed to provide proof of an emergency as no eviction paperwork was produced. Ibid. Based on the foregoing, the ALJ found that Petitioner had been residing in an apartment in Pennsylvania and that he had produced no documentation of any eviction proceeding, instead testifying that he vacated the apartment and moved to New Jersey without a plan, thus causing his own homelessness. See Initial Decision at 4-5. Accordingly, the ALJ found that Petitioner did not demonstrate an emergency beyond his control that caused him to face imminent eviction or homelessness, thus making him ineligible for EA benefits, and as such, the Agency's denial of EA benefits was proper. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c), -6.1(c)(3). I agree.

By way of comment, the record reflects that Petitioner has applications currently pending for WFNJ/GA benefits, as well as for SNAP benefits, and I agree with the ALJ that same should be expeditiously processed. Should Petitioner be denied WFNJ/GA and/or SNAP benefits, he is without prejudice to request another fair hearing on the subsequent denial(s). See Initial Decision at 5; see also N.J.A.C. 10:90-1.5 and N.J.A.C. 10:87-2.26(a).

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

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's denial of EA benefits to Petitioner is AFFIRMED, as outlined above.

Officially approved final version. September 04, 2025

Natasha Johnson
Assistant Commissioner

