



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 **04500-25 D.U.**

AGENCY DKT. NO. **C311257007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, and had failed to provide documentation proving eviction such that she has no actual or imminent emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 28, 2025, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 31, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on April 2, 2025.

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, and the filed Exceptions, and I hereby MODIFY the ALJ's Initial Decision, AFFIRM the Agency's determination, and REMAND the matter to the Agency, 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.

The record in this case shows that Petitioner has received 51 months of Work First New Jersey/Temporary Assistance to Needy Families ("WFNJ/TANF") benefits and her assistance unit is comprised of herself and her two minor children. See Initial Decision at 3. Petitioner applied for EA benefits on January 22, 2025, which application was denied that same day by the Agency, citing that the Petitioner had been unemployed and residing with family members in their home since August 2023, that she failed to take reasonable steps to resolve her emergency, that she had the realistic capacity to plan and failed to do so, and that she had no actual or imminent emergency. See Initial Decision at 1-4; see also Exhibits R-1, R-2, R-3, R-6 and N.J.A.C. 10:90-6.1(c)(1), -6.3(a)(1)(ii), -6.4(b). Beginning in August 2023, Petitioner and her two children began residing with the children's grandmother ("B.W."), following Petitioner's eviction from public housing. See Initial Decision at 3; see also Exhibit R-2. Petitioner contends that she is unable to continue living with B.W., as she engages in violent behavior, excessive drinking, and waking the minor children during the night demanding they leave the home, which has negatively impacted the children. See Initial Decision at 3; see also Exhibits R-2, P-3. Petitioner has been attending medical training classes and is anticipated to graduate in April 2025, and has applied for employment. See Initial Decision at 4. Based upon Petitioner's testimonial evidence, B.W. has informed her that she and her children must move out. Ibid.; see also Exhibits R-2, P-1, P-3. Petitioner contends that, without EA benefits, she and her children



will be homeless. See Initial Decision at 4. Further, the testimony provided by B.W. included information that she and her adult son reside in a two-bedroom public housing unit and that their lease does not include Petitioner and her children, although a copy of the lease was not provided. Ibid. B.W. further noted she has been notified by the Newark Public Housing Authority she is in violation of her public housing lease for allowing Petitioner and her two children to stay in her home, but again, no copy of any notice or letter from the Newark Public Housing Authority to substantiate this assertion was provided as evidence. Ibid.; see also Exhibit P-3.

The ALJ in this case concludes that Petitioner is attending school in an effort to acquire skills to obtain employment, as well as seeking employment while she attends school, which should be considered steps taken to resolve her emergency. See Initial Decision at 8. Further, the ALJ concludes that there is evidence sufficient to establish that Petitioner and her two children cannot continue to reside with B.W., as she is currently in violation of her public housing lease and B.W.'s behavior is creating a difficult living environment for the children. Ibid. Based on the foregoing, the ALJ concluded that the Agency failed to establish, by a preponderance of the credible evidence, that Petitioner should be denied EA benefits. Ibid. Further, the ALJ found that she has taken steps to resolve her emergency by applying for WFNJ/TANF and participating in educational training to obtain employment, while she is seeking employment, as well as concluding that her emergency is imminent, therefore the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 8-9.

Based upon an independent review of the record, I agree with the ALJ that Petitioner has taken steps to improve her current situation through education and hopeful employment in the near future. I also agree that it does seem that Petitioner's current living situation is less than ideal for Petitioner's children. However, I do agree with the Agency that the January 22, 2025, email asserting homelessness or imminent homelessness, originating from someone else's email address, seems questionable, and therefore, I find that the Agency's January 22, 2025, denial of EA, on this basis was proper and must stand.

Nonetheless, another handwritten letter, dated March 27, 2025, the day immediately prior to the fair hearing, stating that Petitioner must leave B.W.'s home within 30-days, was never reviewed by the Agency, and warrants consideration. See Exhibit P-2. Therefore, I am remanding this matter back to the Agency for action as follows. The Agency shall review the March 27, 2025, ejection letter and reevaluate Petitioner for EA benefits. If the Agency needs further verification or documentation, the Agency must request same within ten (10) days of the reevaluation, and Petitioner shall have ten (10) days to provide the requested documentation, if applicable. Should the reevaluation of Petitioner's EA application again be denied by the Agency, the Agency is to provide proper notice and Petitioner is without prejudice to request a fair hearing on that subsequent denial. The Initial Decision is modified to reflect the above findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED and the matter is REMANDED to the Agency for action, as outlined above.

Officially approved final version. April 03, 2025

Natasha Johnson
Assistant Commissioner

