



State of New Jersey

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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 **14317-25 G.M.**

AGENCY DKT. NO. **C649961007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that he abandoned his immediate need shelter placement, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 20, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 21, 2025 the ALJ issued an Initial Decision, reversing the Agency's determination.

Pursuant to N.J.A.C. 1:1-15.5(a), (b), admission of hearsay evidence is within the judge's discretion, and any hearsay evidence admitted "shall be accorded whatever weight the judge deems appropriate taking into account the nature, character and scope of the evidence, the circumstances of its creation and production, and generally its reliability." Additionally, in order to provide assurances of reliability, "some legally competent evidence must exist to support each ultimate finding of fact[.]"

N.J.A.C. 10:90-1.3(a) states, "All applicants for [Work First New Jersey] WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made," which is not to exceed 30 days. In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1). Of note, immediate need assistance is not EA, and the denial/termination of immediate need assistance is not appealable.

Here, Petitioner was placed at a shelter under immediate need, and although the record was devoid of testimonial or documentary evidence from the shelter, at some point, whether voluntarily or otherwise, Petitioner left the first shelter. See Initial Decision at 2. Petitioner was then placed at a second shelter, where an incident with another shelter resident led him to voluntarily leave the shelter and seek a new shelter placement. Ibid. At this time, Petitioner has twenty-four unused days of immediate need remaining. Ibid. Additionally at issue is that Petitioner applied for Work First New Jersey/General Assistance ("WFNJ/GA") during May, 2025, and an eligibility determination has yet to be made by the Agency, which would impact whether or not Petitioner would be eligible for receipt of EA benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.2(a).

Based on the foregoing, the ALJ found that the Agency shall process Petitioner's WFNJ/GA application no later than fifteen days from the date of the Initial Decision. See Initial Decision at 3. Further, the ALJ concluded that Petitioner



should be granted continued immediate need until a determination as to the WFNJ/GA application is made and/or Petitioner is able to produce a completed MED-1 form which would be evaluated by the Agency. Ibid.

The record reflects that no shelter representative, from either shelter, with direct knowledge was present at the hearing to attest to the truth of the claims alleged. The ALJ also found that the Agency had not provided any sufficient corroborating documentation to support such allegations. See Initial Decision at 2-4; see also Exhibit R-1, and N.J.A.C. 1:1-15.5(a), (b). Accordingly, the ALJ concluded that the Agency had failed to prove by a preponderance of the evidence that Petitioner had abandoned his immediate need placements without good cause. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, was improper and must be reversed. Id. at 4-5; see also Exhibit R-1. Under the particular circumstances in this matter, I agree, and I order that the Agency is to provide Petitioner with continuing immediate need placement until an eligibility determination regarding his WFNJ/GA application is made.

No Exceptions to the Initial Decision were received.

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, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that he must comply with the WFNJ/GA eligibility requirements, and be approved for such benefits, before he can be approved for EA benefits. See N.J.A.C. 10:90-6.2(a).

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version. August 28, 2025

Natasha Johnson
Assistant Commissioner

