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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 19268-25 O.B.

AGENCY DKT. NO. C244242007 (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 she failed to provide documentation proving an emergency, and contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, and failed to take reasonable steps to resolve her emergency, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 2, 2025, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 3, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination as to the denial of EA benefits, and ordering the Agency to expedite processing of Petitioner's application for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "[a]ll applicants for 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." 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 benefits, and the termination of immediate need assistance is not appealable.

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. Further, in pertinent part, EA benefits shall not be provided for a period of six months when an applicant "had the available funds and the capacity to plan to avoid homelessness." N.J.A.C. 10:90-6.1(c)(3)(v).

It is anticipated that the Agency will accept, process, and recommend action on applications for WFNJ cash benefits within 30 days. N.J.A.C. 10:90-1.5(a). Pursuant to N.J.A.C. 10:90-9.1(b), an Agency must provide both adequate and



timely notice advising of a termination, denial or suspension of welfare benefits. Adequate notice is a written notice outlining the intended action and the reasons for the action. See N.J.A.C. 10:90-9.1(a).

Only WFNJ benefits recipients, and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. N.J.A.C. 10:90-6.2(a).

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. Here, the record reflects that Petitioner applied for EA benefits on November 3, 2025, and was provided with immediate need housing assistance. See Initial Decision at 2-3; see also Exhibit R-2, and N.J.A.C. 10:90-1.3(a). The record further reveals that Petitioner had been a caretaker for her mother, who lived out of state and passed away during 2023, at which time Petitioner became legal guardian for her two younger siblings, currently aged 16 and 18. See Initial Decision at 2; see also Exhibits R-1, R-2. Petitioner was evicted from her apartment during 2022, due to non-payment of rent, and has stayed with friends at various times, ultimately ending up unhoused and living in her vehicle. See Initial Decision at 2.

At the time of the hearing, the Agency representative testified that Petitioner's WFNJ/TANF application had not yet been processed. See Initial Decision at 3. The Agency representative further testified that Petitioner's EA application was denied because Petitioner did not provide documentary proof of her eviction and because Petitioner did not apply for unemployment benefits, when it was likely she would have received such benefits. See Initial Decision at 3.

The ALJ in this matter concluded that the denial notification in this matter did not specify what documentation or proof the Agency required and that no attempts had been made to communicate same to the Petitioner. See Initial Decision at 3-4. Further, Petitioner testified that she would be unable to obtain any documentation from friends she had stayed with following her eviction. *Ibid.* Based on the testimonial evidence presented at the time of the hearing, the ALJ found Petitioner's testimony to be credible, and thus concluded that the Agency's denial of Petitioner's EA application was improper and must be reversed. See Initial Decision at 4-5. I agree, as the Agency has not complied with the regulatory requirements of N.J.A.C. 10:90-1.5, and her WFNJ/TANF application processing has been delayed, due to no fault of Petitioner, meaning that there can be no determination with respect to if Petitioner meets the threshold requirement for EA benefits eligibility, namely, that she is a WFNJ benefits recipient. See N.J.A.C. 10:90-6.2(a). Additionally, I find Petitioner's 2022 eviction from her former apartment to be too remote in time to preclude EA eligibility on that basis for causing one's own homelessness. As such, I am remanding this matter to the Agency with the following directive. The Agency is to expedite the processing of Petitioner's WFNJ/TANF application. I also direct the Agency to provide Petitioner with further immediate need housing until the expedited review and determination of Petitioner's WFNJ/TANF application is completed. See N.J.A.C. 10:90-1.3(a). Should Petitioner's application for WFNJ/TANF benefits be denied, Petitioner may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect the above findings and directives.

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

Officially approved final version. December 11, 2025

Natasha Johnson
Assistant Commissioner

