



State of New Jersey

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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 **03222-26 A.A.**

AGENCY DKT. NO. **C335482007 (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 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 February 25, 2026, and continuing on March 2, 2026, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 3, 2026, the ALJ issued an Initial Decision reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency's determination, 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. 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).

Here, the record reveals that Petitioner, a Supplemental Security Income ("SSI") benefits recipient, applied for EA benefits on February 25, 2026, and that, on the same date, the Agency denied her EA benefits application, citing that she had the realistic capacity to plan to avoid her emergent situation, but failed to do so, and that she failed to take reasonable steps to resolve her emergency. See Initial Decision at 2-3; see also Exhibits R-1, R-2; and N.J.A.C. 10:90-6.1(c)(1), -6.3(a)(1)(ii).

At the hearing, Petitioner testified that she had previously resided in the state of Georgia until the end of 2024, but that she had returned to New Jersey during early 2025 in order to complete a certification in hopes of obtaining employment. See Initial Decision at 3-4. Most recently, Petitioner has resided at Catholic Charities beginning in August, 2025, but she has now been discharged from the shelter due to exhausting the allowable six-month stay. See Initial Decision at 3; see also Exhibit P-1. Petitioner further testified that she has exhausted all of her savings, and that although she has been applying for affordable housing and employment since August 2025, she has been unable to obtain same. See Initial



Decision at 4. Additionally, Petitioner provided testimony that her searches for employment and affordable housing have been impacted by both physical and mental health issues, including hospitalizations related to same. Ibid.

Based on the testimonial evidence presented at the time of the hearing, the ALJ found Petitioner's testimony to be credible, and substantiating that she had taken reasonable steps to resolve her emergency and that her direct behavior had not caused her homelessness. See Initial Decision at 6-8. Further, the ALJ found that Petitioner had provided credible information regarding her efforts to find employment and housing and that she has been unable to find either despite her good faith efforts, which were further complicated by her physical and mental health issues. See Initial Decision at 6-9. Additionally, the ALJ concluded that Petitioner had provided proof that she is now homeless, thereby qualifying for EA benefits. See Initial Decision at 6, 9; see also Exhibit P-1 and N.J.A.C. 10:90-6.3(a)(1)(ii). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 6-9; see also N.J.A.C. 10:90-6.1(c), -6.3(a)(1). I agree.

Finally, the ALJ found that the Agency's citation to N.J.A.C. 10:90-6.4(b) in its Adverse Action Notice was not applicable in the present matter. See Initial Decision at 5; see also Exhibit R-2. I also agree.

Accordingly, the Initial Decision is ADOPTED, the Agency's determination is hereby REVERSED, as outlined above.

Officially approved final version. March 05, 2026

Natasha Johnson
Assistant Commissioner

