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Commissioner

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 **06082-26 L.B.**

AGENCY DKT. NO. **C113222003** (**BURLINGTON COUNTY BD. OF SOC. SVCS**)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, on two separate occasions. The Agency denied Petitioner EA benefits, contending that she failed to provide requested documentation necessary to complete her application for benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 12, 2026, the Honorable Kimberley M. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 1, 2026, the ALJ issued an Initial Decision, reversing the Agency's determinations, and directing the Agency to reopen the applications and request information with specificity from Petitioner needed to process the applications.

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 hereby ADOPT the Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency for action, based on the discussion below.

Pursuant to N.J.A.C.10:90-6.1(c)(1)(ii), EA shall be provided when "[a] lack of realistic capacity to engage in advance planning [for the payment of housing] shall be said to exist." A lack of realistic capacity to plan exists where the assistance unit demonstrates that available funds were exhausted on "items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." N.J.A.C. 10:90-6.1(c)(1)(ii). Items deemed appropriate, include, but are not limited to, food, clothing, housing, attending the funeral of a family member, excessive unreimbursed medical expenses, car payment or repairs. Ibid.

Petitioner is a Supplemental Security Income ("SSI") benefits recipient, as well as a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient. See Initial Decision at 3. Petitioner entered a lease on or about September 1, 2025, with a monthly rent of $1,950. Ibid.; see also Exhibit R-1 at 52-56. For a period, Petitioner received rental assistance through the New Jersey Department of Community Affairs, however, for unknown reasons, Petitioner lost her subsidy and was thereafter unable to afford her monthly rent. See Initial Decision at 3. On or about November 1, 2025, Petitioner entered into a Settlement Agreement with her landlord in the Superior Court whereby she would pay $4,000 immediately and thereafter would add $563.66 to each future monthly rental payment to satisfy her rental arrears. Ibid.; see also Exhibit R-1 at 48-49, 52-55. After entering into the Settlement Agreement, Petitioner submitted her first EA application on November 7, 2025, and, on the same date, the Agency sent Petitioner a Request for

Verification indicating certain documentation which was necessary to process her EA application and due to the Agency by December 7, 2025. See Initial Decision at 4; see also Exhibit R-1 at 9-12.

At the hearing, the Agency representative testified that Petitioner provided the Agency with all of the requested information from the November 7, 2025, Request for Verification, and that the Agency did not request any additional or supplementary information from Petitioner. See Initial Decision at 4-5; see also Exhibit R-1 at 15-40. While reviewing the application, the Agency discovered, via a database search, that Petitioner had received two lump-sum SSI benefits payments on October 2, 2025, for $2,901 and $4,848.75. See Initial Decision at 5; see also Exhibit R-1 at 13-24. Specifically, the Agency representative testified that the Agency never requested, via correspondence, that Petitioner provide information or documentation as to how she expended her SSI funds and did not request statements from "Cash App." See Initial Decision at 5. On December 4, 2025, the Agency denied Petitioner's first EA application, indicating that she was ineligible to receive EA benefits as she had failed to prove that she had exhausted her available funds on items deemed appropriate, necessary, or reasonable for decent living, that she had a realistic capacity to plan for housing, and that she did not submit statements from Cash App. See Initial Decision at 5; see also Exhibit R-1 at 50-51.

On January 13, 2026, Petitioner and her landlord entered into a second Settlement Agreement which allowed Petitioner to remain in her home. See Initial Decision at 6. Petitioner failed to comply with the terms of that Settlement Agreement and on March 13, 2026, a Warrant of Removal was issued and Petitioner was evicted from said housing. Ibid.; see also Exhibit R-1 at 59-60. On March 27, 2026, Petitioner was provided with immediate need EA placement by the Agency until March 31, 2026, which, the Agency representative testified at the time of the hearing was done in error, contending that Petitioner had caused her own homelessness. See Initial Decision at 6; see also Exhibit R-1 at 63-66. Also on March 27, 2026, the Agency sent Petitioner a Request for Information outlining various documentation needed to process her second EA application. See Initial Decision at 6-7; see also Exhibit R-1 at 73. The March 27, 2026, letter did not include any request for Cash App statements, and, at the hearing the Agency representative acknowledged that those specific statements were not requested. See Initial Decision at 7.

Thereafter, on March 31, 2026, Petitioner submitted a second application for EA benefits. See Initial Decision at 7; see also Exhibit R-1 at 67-69. During the course of reviewing the application, the Agency discovered, via a database search, that Petitioner had received an additional lump-sum SSI benefits payment of $5,110.84 on November 7, 2025. See Initial Decision at 7; see also Exhibit R-1 at 71-72. The Agency denied her EA application on the same day, indicating that Petitioner was ineligible to receive EA benefits as she had failed to prove that she had exhausted her available funds on items deemed appropriate, necessary, or reasonable for decent living, and that she had the realistic capacity to plan in advance for substitute housing and did not do so. See Initial Decision at 7-8; see also Exhibit R-1 at 74-75. The Agency additionally imposed a six-month period of ineligibility for receipt of EA benefits. Ibid.

On or about May 7, 2026, the Agency received Cash App statements from Petitioner, spanning from November, 2024 to February, 2026 and detailing several payments made from Petitioner to her landlord. See Initial Decision at 8; see also Exhibit R-1 at 77-118. The statements were received too late to be considered along with Petitioner's March 31, 2026, EA application. Ibid. The Agency representative testified that the Agency requested Cash App statements and a spending breakdown as to how Petitioner spent the lump-sum SSI payments she received, however, no documentary proof of either request was offered at the hearing. Ibid.

As to the denial of Petitioner's initial EA application from November, 2025, the ALJ found that Petitioner proved by a preponderance of the credible evidence that the Agency erred in processing her application. See Initial Decision at 10. Specifically, the ALJ found there was no documentary evidence presented indicating that the Agency had ever requested Petitioner provide information regarding the spending of the two lump-sum SSI benefits payments from October, 2025, or any Cash App statements. See Initial Decision at 10-11; see also N.J.A.C. 10:90-6.1(c)(1)(ii). Accordingly, the ALJ found that the Agency failed to request relevant documentation from Petitioner and should not have denied her EA application under such circumstances. See Initial Decision at 10-11. Further, the ALJ found that any testimony purporting that an Agency representative verbally informed Petitioner that she would need to provide information that the lump-sum payments were utilized for items deemed appropriate, necessary, or reasonable for a decent living was impermissible hearsay. See Initial Decision at 11; see also N.J.A.C. 1:1-15.5. The ALJ therefore concluded that the Agency could not base a denial of EA benefits upon a failure to provide information or documentation, when the Agency failed to request such information or documentation. See Initial Decision at 11-12.

As to the denial of Petitioner's second EA application from March, 2026, the ALJ found that the Agency made procedural errors, specifically in not providing Petitioner with an adequate opportunity to produce information and/or documentation related to whether she would be eligible for receipt of EA benefits. See Initial Decision at 12.

Based on the foregoing, the ALJ concluded that Petitioner's failure to submit the requested documentation was through no fault of her own and thus Petitioner had satisfied her burden of proof by a preponderance of the evidence, and



therefore, the denial of EA benefits by the Agency was improper. See Initial Decision at 12-13. As such, the ALJ found that Petitioner's EA applications should be reopened and the Agency was to request, with specificity, the information needed to process the EA applications. Id. at 13. Based on the circumstances presented in this matter, I agree, and direct the Agency to expedite any request for information or documentation from Petitioner needed to decide whether she is eligible for receipt of EA benefits. Additionally, through this decision, Petitioner is hereby put on notice that she will need to provide proof of spend down of the SSI lump-sum amounts, to substantiate that funds were exhausted on items deemed reasonable and necessary. See N.J.A.C. 10:90-6.1(c)(1)(ii).

Lastly, the Agency's denial included a six-month period of ineligibility for EA benefits pursuant to N.J.A.C. 10:90-6.1(c)(3). Based on the circumstances presented in this matter, the ALJ concluded that such penalty is improper and should not be imposed upon Petitioner. See Initial Decision at 12-13. I also agree.

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

Officially approved final version. October 15, 2026

Natasha Johnson
Assistant Commissioner