



State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

CAROLE JOHNSON  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

NATASHA JOHNSON  
Director

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 13439-18 S.M.

AGENCY DKT. NO. C227050020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that her behavior directly caused her homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 20, 2018, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that day, the ALJ issue an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the 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, and REVERSE the Agency's determination, as discussed below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determines 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."

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, EA benefits shall not be provided for a period of six months "when an adult EA applicant or recipient has caused his or her own homelessness, without good cause[.]" Specifically, a recipient is ineligible for EA benefits for a period of six months when a "recipient's behavior directly caused the eviction." N.J.A.C.10:90-6.1(c)(vi).

Here, the record indicates that Petitioner applied for EA benefits on September 10, 2018, and that she was denied EA benefits on that same date on the basis that her behavior directly caused her homelessness. See Exhibit R-1 at 4-14; see also N.J.A.C. 10:90-6.1(c)(3)(vi). The ALJ found that the Agency improperly denied Petitioner immediate need assistance; however, as the Agency had made



its final eligibility determination at the time of Petitioner's application for EA benefits, immediate need assistance is not applicable here. See Initial Decision at 2-3; see also N.J.A.C. 10:90-1.3(a). Moreover, the denial of immediate need assistance is not appealable as such assistance is not considered EA benefits. See DFD Instruction 08-11-01 at 4. Nevertheless, I find that Petitioner did not cause her own homelessness because the record reflects that she was never permitted to reside in the home owned by her mother and sister, and therefore, that her removal from that home by the police was not the cause of her homelessness. See Initial Decision at 3; see also Exhibits P-1, R-1 at 3. As such, I find that Petitioner's behavior did not directly cause her homelessness, and that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 3; see also Exhibit R-1 at 4-7, and N.J.A.C. 10:90-6.1(c)(3). Further, I also find that the Agency's imposition of a six-month EA ineligibility penalty is improper and must also be reversed. See Exhibit R-1 at 4-7; see also N.J.A.C. 10:90-6.1(c)(3). The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as outline above.

Officially approved final version.

**OCT 02 2018**

---

Natasha Johnson  
Director

