



State of New Jersey

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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 **15369-25 M.O.**

AGENCY DKT. NO. **C479028016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of 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 she voluntarily ended her employment and abandoned her affordable housing out of state, without an eviction, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 8, 2025, the Honorable Susana Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 9, 2025, the ALJ issued an Initial Decision, reversing the Agency's determinations.

Here, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she voluntarily quit her employment, thereby causing her own homelessness. See Initial Decision at 2-3; see also Exhibits P-1, R-1, and N.J.A.C. 10:90-6.1(c)(3). However, the ALJ found Petitioner credible when she testified, and provided documentary evidence, that her employer had significantly reduced her hours of work during February 2025, from the prior eight to twenty hours per week to less than three hours per week. See Initial Decision at 2-3; see also Exhibit P-1. As such, the ALJ found that Petitioner's homelessness was not the direct result of her voluntary cessation of employment. Ibid. Based on the foregoing, the ALJ found that Petitioner had established good cause for her voluntary quit of employment, specifically, the reduction in hours of work, and as such, concluded that the Agency's denial of EA benefits to Petitioner for this reason, and the imposition of a six-month EA ineligibility penalty, were improper. See Initial Decision at 4-5; see also Exhibits P-1 and R-1.

The Agency further denied Petitioner EA benefits contending that she caused her own homelessness when she voluntarily abandoned her subsidized housing in New York, without an eviction, and relocated to New Jersey without a plan for self-sufficiency. See Initial Decision at 2; see also Exhibit R-1 and N.J.A.C. 10:90-6.1(c)(3)(vii). Here, the record reveals that Petitioner previously resided in a subsidized apartment in New York and that during November 2024, Petitioner filed a complaint against her landlord, alleging that he had sexually assaulted her and she obtained a temporary order of protection against her landlord, which remains in effect. See Initial Decision at 2; see also Exhibit P-1. Thereafter, during February 2025, Petitioner received a 60-day Notice directing that she must vacate the apartment by April 30, 2025 or she would be evicted. See Initial Decision at 3; see also Exhibit P-1. Petitioner testified, at the time of the hearing, that she believed her eviction was due to the sexual assault complaint she had previously filed against her landlord. Ibid. Although there was never a court-ordered eviction, Petitioner moved from her apartment during late June 2025. Ibid. Based on the foregoing, the ALJ found that Petitioner had left the apartment as she did not feel safe living in the same building as her landlord, against who she had an order of protection due to allegations of sexual assault. Ibid.



Subsequently, on or about June 28, 2025, Petitioner and her children moved in with Petitioner's brother in New Jersey following his offer of housing. Ibid. On or about July 22, 2025, Petitioner and her brother had an altercation which led to him removing Petitioner and her children from his home, at which time Petitioner and her children began to live in a vehicle. See Initial Decision at 3.

On August 21, 2025, Petitioner applied for EA benefits, and on August 25, 2025, the Agency denied her application citing that she had voluntarily quit her job in New York and had abandoned her subsidized housing without an eviction proceeding, thereafter moving to New Jersey without a plan for self-sufficiency, and imposing a six-month penalty of ineligibility for EA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.1(c)(3). However, based on the testimonial evidence presented, the ALJ found that Petitioner planned to relocate to New Jersey and reside with her brother, who had offered she and her children housing, but that, based upon an altercation between them, Petitioner experienced a new emergency when her brother removed her and her children from his home. Ibid.

Based on the particular circumstances of this case, the ALJ found that Petitioner had not caused her own homelessness, but rather, her homelessness had been caused by her brother removing she and her children from the housing which he had previously offered her if she relocated. See Initial Decision at 3-4. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. Id. at 4-5; see also Exhibits P-1 and R-1. I agree and direct that the Agency provide Petitioner with EA benefits on an expedited basis.

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 the Agency "shall determine" the most appropriate form of emergency housing required to address the needs of an EA recipient, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version. September 18, 2025

Natasha Johnson
Assistant Commissioner

