State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
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 **06543-26 E.T.**

AGENCY DKT. NO. **S496287014** (**MORRIS CO. OFFICE OF TEMP ASSISTANCE**)

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 caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 2, 2026, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 30, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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, and AFFIRM the Agency's determinations, 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. 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).

Here, the record reflects that Petitioner applied for EA benefits, and on April 6, 2026, the Agency denied Petitioner's application for EA benefits, and imposed a six-month EA ineligibility penalty, as the Agency had determined that she had the capacity to prevent her homelessness and that she failed to do so. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1). A review of the record further indicates that Petitioner was residing in Union County when she voluntarily left her housing and relocated to Morris County, to apply for cash and EA benefits. See Exhibit R-1.

Based upon the testimonial and documentary evidence presented at the time of the hearing, the ALJ found that Petitioner voluntarily left her housing in one county and applied for EA in a different county, demonstrating that she caused her own homelessness. See Initial Decision at 2-3; see also Exhibit R-1. Accordingly, the ALJ concluded that Petitioner caused her own emergent situation, and as such, further concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility were proper and must stand. See Initial Decision at 4; see also Exhibits P-1, R-4, and N.J.A.C. 10:90-6.1(c)(3). I agree, however, the Initial Decision is modified to reflect that, due to the delay in the issuance in the Initial Decision in this matter, that the six month ineligibility period for EA benefits ended on October 6,

2026, and Petitioner may re-apply for EA benefits, if her circumstances warrant and if she has not already done so. See Exhibit R-1.

Accordingly, the Initial Decision in this matter is MODIFED, and the Agency's determinations are hereby AFFIRMED, as outlined above.

Officially approved final version. October 15, 2026

Natasha Johnson
Assistant Commissioner