



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 **03976-26 K.C.**

AGENCY DKT. NO. **C264137020 (UNION COUNTY DIVISION 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, contending that he had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2026, the Honorable Mindy Gensler, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 13, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 MODIFY the Initial Decision, and MODIFY 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). EA benefits shall not be provided for a period of six months when an applicant "has caused his or her own homelessness, without good cause." N.J.A.C. 10:90-6.1(c)(3).

Here, the record reveals that Petitioner applied for EA benefits on January 13, 2026, and, on that same date, the Agency denied Petitioner's application for EA benefits, citing that he had caused his own homelessness, due to a restraining order which had been issued against Petitioner in January, 2025. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(vi).

Based on the foregoing, the ALJ concluded that Petitioner's behavior directly caused his eviction from his last permanent housing, and as such, that he had caused his own homelessness. See Initial Decision at 2-3; see also Exhibits R-2, R-3, R-4, and N.J.A.C. 10:90-6.1(c)(3)(vi). 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 proper and must stand. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(3).

A review of the record does not include a restraining order; however, the record indicates that a Civil Restraining Order ("CRO") was entered into by Petitioner, and his sister, on April 3, 2025, which prohibited Petitioner from residing in the



home he had previously shared with his sister and noted that the CRO was “entered into in lieu of the restraining order.” See Exhibit R-1. Uniquely, the CRO allowed Petitioner to return to the property, so long as his sister was not on the premises, however, he could no longer reside on the property. Ibid.

At the time of the EA application, nearly a year later after the underlying facts in the CRO occurred in January 2025, Petitioner informed the Agency that he had been residing in motor vehicles, which was substantiated by written statements of Petitioner’s father, and in a shelter, however his living arrangements between the time of the CRO (April, 2025) and his EA application (January, 2026) are not considered within the Initial Decision in this matter. See Exhibit R-1. Nonetheless, I agree with the ALJ’s decision to uphold the Agency’s denial of EA benefits as a result of the CRO.

However, with respect to the Agency’s imposition of a six-month EA ineligibility penalty, based on Petitioner’s testimonial and documentary evidence presented at the hearing, I do not believe that the Agency, or the ALJ, considered whether Petitioner’s mental health issues impacted his ability to avoid behaviors which contributed to the CRO. See N.J.A.C. 10:90-6.1(c)(1)(iii). In relevant part, a lack of realistic capacity to plan exists where the assistance unit demonstrates functional incapacity, such as a mental or cognitive impairment that would prevent them from planning for or securing substitute housing. See N.J.A.C. 10:90-6.1(c)(1)(iii). The record in this matter indicates that Petitioner has mental health issues, for which he is actively undergoing treatment, and as a result of those issues, consideration should be given as to whether Petitioner lacked the functional capacity to avoid the behaviors which lead to Petitioner becoming homeless. As such, I find that Petitioner shall not be subject to the six-month period of ineligibility for EA benefits at the present time and therefore, Petitioner may reapply for EA benefits immediately, if he has not already done so. See N.J.A.C. 10:90-6.2(a). The Initial Decision, and Agency action, are both modified to reflect the above findings and applicable regulatory authority.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency’s determination is MODIFIED, as outlined above.

Officially approved final version. March 24, 2026

Natasha Johnson
Assistant Commissioner

