



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 **03797-26 M.N.**

AGENCY DKT. NO. **C315277020 (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 a realistic capacity to plan and had not done so and that he had not taken reasonable steps to resolve his emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 9, 2026 the Honorable Gerard Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 10, 2026, the ALJ issued an Initial Decision, reversing the Agency's determinations.

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, 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. See N.J.A.C. 10:90-6.3(a)(1)(ii).

When an adult EA benefits applicant/recipient demonstrates functional incapacity, such as mental or cognitive impairment or evidence of alcohol or drug abuse, he or she shall be referred for a Behavioral Health Initiative/Substance Abuse Initiative ("BHI/SAI") evaluation and/or treatment, and the EA benefits recipient must agree to engage in appropriate treatment as part of their EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii) and -6.6(a)(1)(iii)(7).

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve their emergent situation. See N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of, and complying with, a written and signed service plan. Ibid. If a recipient fails to comply with the service plan, without good cause, then the recipient's EA benefits must be terminated, and a six-month period of ineligibility for EA benefits imposed. Ibid.

Here, Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, applied for EA benefits in February, 2026 and on February 20, 2026, the Agency denied Petitioner's application for EA benefits, citing that Petitioner



failed to realistically plan, and that he took no reasonable steps to resolve his emergency. See Initial Decision at 2; see also Exhibit R-2.

The testimony offered at the hearing reflected that Petitioner had entered a 24-hour inpatient substance abuse treatment program, to begin a 28-day program stay, on January 20, 2026. See Initial Decision at 2. On February 10, 2026, approximately one week before completing the inpatient program, Petitioner was discharged for “inappropriate behavior and non-adherence to program rules.” Ibid.; see also Exhibit R-1. Following his discharge from the program, Petitioner applied for EA benefits. See Initial Decision at 3.

The ALJ found that the applicable regulations provide that a lack of a realistic capacity to plan in advance for substitute housing may be found when the assistance unit demonstrates functional incapacity, such as evident substance abuse. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Further, the ALJ found that, based upon the record presented, the Agency should have referred Petitioner to the SAI program for an assessment. Ibid.; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Accordingly, the ALJ concluded that the Agency should refer Petitioner for a SAI evaluation. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(1)(iii). I agree. Petitioner is advised that, as a result of the SAI evaluation if Petitioner is required to engage in appropriate substance abuse treatment, such requirements shall be incorporated into his Individual Responsibility Plan and EA service plan. Ibid.

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

Officially approved final version. March 12, 2026

Natasha Johnson
Assistant Commissioner

