State of New Jersey

MIKIE SHERRILL
Governor

VACANT
Lt. Governor

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

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 **17718-26 R.B.**

AGENCY DKT. NO. **C386339007** (**ESSEX COUNTY DIVISION OF WELFARE**)

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's application for EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to appear at two offered shelter placements, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 19, 2026, the Honorable William T. Cooper III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 19, 2026, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits, and reversing the Agency's determination as to the imposition of a six-month period of ineligibility for EA benefits.

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, in part, and REVERSE, in part, the Agency's determinations, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. Ibid.

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).

The record reveals that Petitioner applied for Work First New Jersey/General Assistance ("WFNJ/GA") on July 17, 2026, and EA benefits on August 21, 2026, and, while his applications were pending, was placed on an immediate need basis at a shelter beginning August 21, 2026. See Exhibit R-1; see also N.J.A.C. 10:90-1.3. On August 21, 2026, Petitioner failed to appear at the immediate need shelter placement. See Initial Decision at 3; see also Exhibit R-1. Petitioner instead went to the shelter several days later, on August 24, 2026, and was informed that he was reported to the Agency as a "no show." Ibid. Petitioner was approved for WFNJ/GA on August 24, 2026, and on August 31, 2026, Petitioner was directed to report to a shelter placement. Ibid. Petitioner failed to appear at the second approved shelter placement. Ibid. Thereafter, on September 4, 2026, the Agency denied Petitioner's application for EA benefits and issued a six-month ineligibility penalty for receipt of EA benefits. Ibid.; see also N.J.A.C. 10:90-6.1(c)(3).

At the hearing, Petitioner testified as to a severe medical condition, which would be negatively impacted by his being unhoused. See Initial Decision at 3; see also Exhibit R-1.

Based on the testimonial and documentary evidence presented at the hearing, the ALJ in this matter concluded that the Agency's denial of EA benefits was appropriate, due to Petitioner failing to appear at the two shelter placements offered. See Initial Decision at 2-4; see also Exhibit R-1. I agree. Further, the ALJ found that good cause was presented by Petitioner for such failures to appear, and in consideration of his medical condition, the imposition of a six-month EA ineligibility was improper. Ibid. I also agree. As such, Petitioner is without prejudice to reapply for EA benefits. The Agency shall take into consideration Petitioner's particular circumstances in evaluating Petitioner's application and any potential placement. See N.J.A.C. 10:90-6.3(a)(1). However, Petitioner is advised that it is the Agency that "shall determine" the most appropriate form of emergency housing required to address the needs of an EA recipient, which may include placement in a shelter. See N.J.A.C. 10:90-6.3(a)(1). Petitioner is further advised that if he again fails to appear at an EA placement, that EA benefits shall not be provided for a period of six months. See N.J.A.C. 10:90-6.1(c)(3). Finally, Petitioner is directed to consult with his EA case worker with respect to the necessary steps and paperwork needed when applying for EA in the form of Temporary Rental Assistance ("TRA"). The Initial Decision is modified to reflect the above directives.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determinations are AFFIRMED, in part, and REVERSED, in part, as outlined above.

Officially approved final version. October 29, 2026

Natasha Johnson
Assistant Commissioner