



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

TRENTON, NJ 08625-0716

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 **05834-24 K.Y.**

AGENCY DKT. NO. **S631506012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she had the capacity to plan to avoid her emergent situation, but failed to do so, that her emergent circumstances were not beyond her control, and thereby caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 24, 2024, a telephone conference was held with the parties. On June 24, 2024, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On July 2, 2024, 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 reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, EA benefits shall not be provided for a period of six months "when an adult EA applicant or recipient has caused his or her own homelessness, without good cause[.]" Specifically, an applicant/recipient is ineligible for EA benefits for a period of six months when the applicant's behavior directly caused the emergent situation. See N.J.A.C.10:90-6.1(c)(3)(vii).

Here, the ALJ found, and concluded, that Petitioner had the capacity to plan to avoid her emergent situation, but failed to do so, that her emergent circumstances were not beyond her control, and that she had thereby caused her own homeless. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(3). Specifically, the ALJ found that Petitioner's emergent situation was a result of her failure to return from South Carolina to New Jersey in accordance with her parole board directives, resulting in her incarceration for parole violation, which resulted in her failure to attend mandatory Section 8 housing appointments/hearing, and further resulting in the termination of her housing voucher, and consequent homelessness. See Initial Decision at 2-5; see also Exhibits R-5, R-6, R-7, R-12 through R-17. Additionally, the ALJ found that Petitioner failed to contact the Section 8 housing authority while incarcerated to request alternative ways to attend the required appointments/hearing. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. Id. at 5-6; see also Exhibit R-8, and N.J.A.C. 10:90-6.1(c)(1), (3). I agree.

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



Officially approved final version. August 15, 2024

---

Natasha Johnson  
Assistant Commissioner

