



## 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 16442-25 D.H.

AGENCY DKT. NO. C062114005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("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 September 26, 2025, the Honorable Nicole T. Minutoli, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 29, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 MODIFY the ALJ's Initial Decision, and MODIFY 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. 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).

Here, the record reveals that on March 27, 2025, a Final Restraining Order ("FRO") was issued from the Superior Court which barred Petitioner from any communication with his former spouse. See Initial Decision at 2; see also Exhibit R-4. On or about May 10, 2025, Petitioner violated the FRO and was incarcerated due to such violation through July 7, 2025. Ibid. On or about August 28, 2025, Petitioner applied for EA benefits while residing within a sober living house. See Initial Decision at 2; see also Exhibit R-2. On September 3, 2025, the Agency denied Petitioner's application for EA benefits, citing that he had caused his own homelessness. See Initial Decision at 2; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c)(3)(vi). As of the date of the hearing, Petitioner continues to reside at the sober living house. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that Petitioner's behavior directly caused his eviction from his last permanent housing, his marital residence, and as such, that he had caused his own homelessness. See Initial Decision at 4; 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 was proper and must stand. See Initial Decision at 4.

While I agree with the ALJ's ultimate conclusion in this matter, I note that the record reflects that Petitioner was not homeless, nor imminently homeless, at the time he applied for EA benefits, which is a prerequisite for EA eligibility pursuant to N.J.A.C. 10:90-6.1(c). See Initial Decision at 2. Accordingly, I find that the Agency's denial of Petitioner's



application EA benefits was proper on this basis. The Initial Decision and the Agency determinations are both modified to reflect this finding.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version.      October 09, 2025

---

Natasha Johnson  
Assistant Commissioner

