



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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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 **17147-24 K.W.**

AGENCY DKT. NO. **C037506005 (CAPE MAY COUNTY BD. 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, and imposed a six-month EA ineligibility penalty, contending that she had caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was originally scheduled for February 6, 2025, at which time it was conferenced and adjourned to allow for the subpoena of witnesses. On February 14, 2025, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow for additional submissions and closing briefs, and then closed on February 21, 2025. On February 26, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination as to the denial of EA and the imposition of a six-month period of ineligibility for benefits.

Exceptions to the Initial Decision were filed by Petitioner's counsel on March 12, 2025.

As Assistant Commissioner, DFD, 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, and AFFIRM the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, the assistance unit must be in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan. See N.J.A.C. 10:90-6.1(c). Additionally, 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." See N.J.A.C. 10:90-6.1(c)(3).

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-9. Here, the ALJ found, and the record substantiates, that Petitioner's emergent circumstances were not beyond her control, and that she had thereby caused her own homelessness. *Ibid.*; see also Exhibits R-1, P-2, and N.J.A.C. 10:90-6.1(c)(3)(vi). Specifically, the ALJ found that Petitioner's emergent situation was a result of her act(s) of domestic violence involving law enforcement, which led to a temporary restraining order ("TRO"), on January 3, 2024, which became a final restraining order ("FRO"), on February 1, 2024, that barred Petitioner from residing in, or returning to, her mother's residence. See Initial Decision at 4, 7; see also Exhibit P-2.

From January 2024 to July 2024, Petitioner and her boyfriend, B.P., were homeless until during the latter part of July 2024, B.P.'s brother offered Petitioner and B.P. the use of a camper, which had two beds but no bathroom or kitchen, on his property and access to his home to prepare food, use the bathroom facilities, watch the television, and engage in other



daily activities. See Initial Decision at 2,4. On October 2, 2024, B.P.'s brother passed away and the house passed to his legal spouse, R.P., who informed Petitioner and B.P. they must leave the property. Ibid. Although there was no formal eviction process, Petitioner and B.P. left the property on November 1, 2024, and applied for EA on November 4, 2024. See Initial Decision at 4-5; see also Exhibit R-1 at 15-35. At the time of her EA application, Petitioner was informed by the Agency that she needed to produce documentation to verify her New Jersey residency and eviction and she produced the TRO to the Agency. See Initial Decision at 3, 5. Petitioner and B.P. contended that if his brother were still alive, they would have continued to reside at his residence, which they considered to be their permanent residence. See Initial Decision at 5.

On December 2, 2024, the Agency denied Petitioner EA benefits, and assessed a six-month period of ineligibility for EA benefits, contending that Petitioner was ineligible to receive EA benefits because she caused her own homelessness from her last permanent housing. See Initial Decision at 3-4; see also Exhibit R-1 at 47. The Agency further contended that the time spent at B.P.'s brother's camper was temporary housing. Ibid. Based on the foregoing, the ALJ concluded that Petitioner's behavior directly caused her eviction from her last permanent housing, her mother's residence, and as such, that she had caused her own homelessness. See Initial Decision at 8-9; see also Exhibits R-1 at 37-43, R-2, P-2, 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 3-4. I agree.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from December 2, 2024, the effective date of the Agency's denial, through June 2, 2025. See Exhibit R-1.

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

Also, by way of comment, I have reviewed Petitioner's Counsel's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Lastly, as it appears from the record that Petitioner may have substance abuse issues, the Agency should refer Petitioner for a Substance Abuse Initiative evaluation to determine whether she lacks the functional capacity to plan and avoid homelessness. See Initial Decision at 3, see also Exhibits R-1 at 21, P-2, and N.J.A.C. 10:90-6.1(c)(1)(iii). If Petitioner applies for EA benefits in the future, and should Petitioner be found to have substance abuse issues, then Petitioner is required to engage in appropriate substance abuse treatment, which requirements shall be incorporated into her Individual Responsibility Plan and EA service plan. Ibid.

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

Officially approved final version. May 08, 2025

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Natasha Johnson  
Assistant Commissioner

