



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **17716-25 L.F.**

AGENCY DKT. NO. **C449625007 (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 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. On October 16, 2025, the Honorable Bindi Merchant, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 17, 2025, 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 and REVERSE the Agency's determinations, 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).

Here, Petitioner was involved in an alleged incident at a shelter with another shelter resident on October 4, 2025. See Initial Decision at 3; see also Exhibit R-1. On October 6, 2025, the Agency denied Petitioner EA benefits, and imposed a six-month period of ineligibility for EA benefits, citing that she had caused her own homelessness after being involved in the alleged incident with another shelter resident, which resulted in the involvement of law enforcement, and because she refused to relocate to a different shelter room, instead choosing to leave the shelter. *Ibid.*; see also N.J.A.C. 10:90-6.1(c)(vi), -6.1(c)(3)(ix), -6.3(c)(1-6), -6.6.

Petitioner denied the allegations contained in the Shelter Incident Report, as well as denying that she was offered another shelter location, indicating that she was instructed to leave the shelter after the alleged altercation with her shelter roommate. See Initial Decision at 3. The ALJ found that the Agency failed to produce any evidence that Petitioner caused her own homelessness or violated her service plan. *Ibid.* Further, the ALJ found Petitioner's testimony credible that she did not engage in an altercation with her roommate and that there were no witnesses to such altercation. *Ibid.* The ALJ further found Petitioner's testimony credible that she was not offered an alternative shelter location, but rather, was asked to leave the shelter and the Agency provided no proof that Petitioner was offered another shelter placement. *Ibid.*



Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits, and the imposition of a six-month EA ineligibility period, were improper and must be reversed. See Initial Decision at 2, 4. I agree, and direct the Agency to provide Petitioner with EA benefits in a form to be determined by the Agency. See N.J.A.C. 10:90-6.1(c)(7).

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determinations are REVERSED, as outlined above.

Officially approved final version. October 22, 2025

Natasha Johnson
Assistant Commissioner

