



## State of New Jersey

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*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 **03353-25 M.D.**

AGENCY DKT. NO. **C470081016 (PASSAIC COUNTY BOARD 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's 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 April 7, 2025, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 8, 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 applied for EA benefits on January 22, 2025, and was denied by the Agency the same day, following the determination that she caused her own homelessness. See Initial Decision at 2; see also Exhibits R-1, R-2, R-3, R-4. Petitioner had been involved in a criminal/domestic violence incident involving law enforcement at her residence on December 26, 2024, which resulted in her mother obtaining a Temporary Restraining Order ("TRO") that barred Petitioner from residing in, or returning to, the residence. See Initial Decision at 2-3; see also Exhibits P-1, R-4. On January 22, 2025, the Agency denied Petitioner EA benefits, and imposed a six-month period of ineligibility for EA benefits because she caused her own homelessness. Ibid. The ALJ found, and the record substantiates, that Petitioner was required to leave her prior residence due to a TRO, however, that TRO has not been finalized, and the Agency did not further contact Petitioner to determine whether the information contained in the TRO was accurate, thus the Agency based the entire determination on the information alleged in the TRO. See Initial Decision at 2. The ALJ further relied upon Petitioner's credible testimony to confirm information contained in her EA application including that she was currently pregnant, that she has a 4-year-old child, of whom she shares joint custody, who is currently residing with the child's father due to her being homeless, and that she is currently unemployed. Id. at 3-4. Further, Petitioner testified that she had been diagnosed with bipolar disorder in 2015, and that she was receiving mental health treatment and taking medication until approximately a year ago. Ibid. The Agency representative testified that she relied solely upon the TRO



allegations and did not question Petitioner further as to the events that led to the filing of the TRO, nor did she obtain any verifying documentation from Petitioner. See Initial Decision at 3-4; see also Exhibit R-4. Petitioner denied the allegations contained in the TRO, and testified as to the volatile relationship with her mother, specifically that her mother had been continually seeking to remove her from her home, including filing a landlord tenant complaint against Petitioner as a “tenant” for non-payment of rent. See Initial Decision at 3-4. Further, Petitioner testified that she filed a TRO complaint against her mother during July 2024, which had caused her mother to vacate the residence for a period of time before that TRO was dismissed by the Court. Id. at 5. Additionally, Petitioner testified that she is unable to reside with the father of her expectant child, as he is a violent person and she has experienced prior acts of domestic violence with him, though she had not sought a TRO. Ibid. The ALJ found that Petitioner’s mental health diagnosis may impact her behavior, that Petitioner’s relationship with her mother has resulted in mutual TRO filings, and that her alleged behavior, which she denies, did not directly cause her own homelessness. Id. at 8. 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 as Petitioner did not cause her eviction from her prior residence. Ibid. 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). While the ALJ remanded the matter to the Agency to process Petitioner’s EA benefits application, I find such to be unnecessary based on the record presented.

By way of comment, it should be noted that the additional verifications and documentation previously requested by the Agency include requests which would violate the terms of the TRO, as Petitioner was specifically prohibited from having any communication with her mother under the terms of the TRO.

By way of further comment, the original TRO of December 26, 2024 was scheduled for a final hearing on February 6, 2025, however no Final Restraining Order was entered into the record. Further, in cases where past or present domestic violence (“DV”) exists, pursuant to the WFNJ Family Violence Option (“FVO”) Initiative, the Agency is required to refer EA applicants for a FVO risk assessment, which “includes a safety and service plan strategy consistent with the identified needs and safety concerns of the individual,” as determined by the individual and by the Agency’s risk assessor. See N.J.A.C. 10:90-20.1(b)(1)(i). A service plan prepared for applicants seeking EA because of DV, or the risk thereof, must be coordinated with the recommendations contained in the FVO risk assessment. See N.J.A.C. 10:90-20.1(b)(ii).

Also by way of comment, based upon the testimony provided at the hearing, the Agency should refer Petitioner for a mental health assessment, if it has not already done so. See N.J.A.C. 10:90-6.1(c)(1)(iii)(1), (2). Should Petitioner be found to have a mental health issue, then Petitioner is required to engage in appropriate mental health treatment, which requirements shall be incorporated into any EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii).

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

Officially approved final version. April 10, 2025

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Natasha Johnson  
Assistant Commissioner

