



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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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 **04645-25 M.R.**

AGENCY DKT. NO. **C132416008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of EA benefits ineligibility. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had refused appropriate EA shelter placement, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An emergent hearing was scheduled for March 17, 2025, and during the pre-hearing conference, Petitioner requested an adjournment in order to produce medical records. The hearing was rescheduled for March 31, 2025, on a non-emergent basis, and on that date, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 11, 2025, the ALJ issued an Initial Decision, affirming 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 reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, in part, REVERSE the Agency's determination, in part, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. *Ibid.*

EA benefits shall not be provided for a period of six months when an applicant/recipient "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

Here, the ALJ found, and the record substantiates, that Petitioner has been homeless since 2023, and relies upon Supplemental Security Income ("SSI") as his sole income source. See Initial Decision at 2; see also Exhibit R-1. On March 4, 2025, Petitioner applied for EA benefits and was placed at a motel by the Agency through March 25, 2025. See Initial Decision at 2; see also Exhibit R-2. On March 10, 2025, a space became available at a shelter, however, Petitioner refused to leave his motel placement, contending that the Agency had not considered his past medical/behavioral health issues, for which he later presented an extensive mental health evaluation from 2014. See Initial Decision at 2-3; see also Exhibit R-6. Petitioner presented medical documentation from two recent encounters, on January 30, 2025, where he was seen by a psychologist, and from March 28, 2025, where he was seen by a nurse practitioner who opined that Petitioner would "benefit from independent stable housing." See Initial Decision at 3; see also Exhibits P-1, P-2. Petitioner



testified that he refused to accept the offered shelter placement because of prior negative experiences at the shelter including bullying, harassment, and sexual assault, though he did not provide any documentary evidence of same, such as police reports. See Initial Decision at 3-4. Petitioner further contended that the shelter offered was not compliant with his disabilities under the Americans with Disabilities Act, 42 U.S.C. 12101, et seq. ("ADA"). Ibid. The Agency provided testimonial evidence that the shelter was informed of Petitioner's medical conditions, and that the shelter accepted Petitioner with such medical conditions. Ibid.

The ALJ in this matter found, Petitioner admitted, and the record substantiates, that Petitioner refused appropriate EA shelter placement. See Initial Decision at 5; see also Exhibit R-3, R-5, and N.J.A.C. 10:90-6.3(a)(1). Petitioner claimed that he felt unsafe being placed at the shelter, however, the ALJ found that Petitioner had failed to provide any documentary evidence, or credible testimony, to substantiate his claims. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that Petitioner had refused the appropriate EA shelter placement, without good cause. Id. at 5. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, was proper and must stand. See Initial Decision at 5; see also Exhibit R-5, and N.J.A.C. 10:90-6.3(c). While I agree with the ALJ's ultimate conclusion as to the EA termination, I find that regulatory authority, N.J.A.C. 10:90-6.3(c), relied upon by the ALJ in reaching her conclusion, is misplaced. See Initial Decision at 4-5. Rather, as the ALJ has concluded that Petitioner had refused the appropriate EA shelter placement, without good cause, I find that Petitioner thereby caused his own homelessness, and as such, the correct relevant regulatory authority in this matter is found at N.J.A.C. 10:90-6.1(c)(3). Ibid. The Initial Decision is modified to reflect this finding.

Additionally, the ALJ found that, because Petitioner's EA was terminated, without good cause, that the Agency's imposition of a six-month ineligibility period was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-5 and N.J.A.C. 10:90-6.1(c)(3). With respect to the Agency's imposition of a six-month EA ineligibility penalty, based on Petitioner's presentation at the hearing, the medical documentation presented, which, from an independent review of the record, indicates that Petitioner may be suffering from mental illness, I find that the imposition of a six-month EA ineligibility penalty is not appropriate at this time. See Exhibits R-6, P-1, P-2. Based on the particular circumstances presented through the record of this case, I find that Petitioner has various mental health issues, and as such, I find that, at the time, he lacked the functional capacity to avoid the behaviors that contributed to his homelessness in this case, and as such, no six-month EA ineligibility penalty shall be imposed. See N.J.A.C. 10:90-6.1(c)(1)(iii). Additionally, pursuant to N.J.A.C. 10:90-6.3(i)(1), "[o]n a case-by-case basis and in consultation with DFD, the [six-month EA ineligibility] penalty may also be lifted when deemed appropriate by the county or municipal agency." The Initial Decision is also modified to reflect these findings. See N.J.A.C.10:90-6.3(i)(1).

By way of comment, Petitioner may reapply for EA benefits, but is again advised that it is the Agency who shall determine the most appropriate form of housing necessary to address his immediate need and individual circumstances. See N.J.A.C. 10:90-6.3(a)(1). Petitioner is further advised that if he again refuses appropriate placement offered by the Agency, he may again be denied EA benefits, and a six-month period of ineligibility for EA benefits may be imposed. See N.J.A.C. 10:90-6.1(c)(3). Should Petitioner reapply, the Agency is to properly reassess and reevaluate Petitioner to determine an appropriate housing placement, taking into account Petitioner's mental health issues and whether or not he is currently receiving treatment for same.

By way of further comment, based upon the record, the Agency should refer Petitioner to Projects for Assistance in Transition from Homelessness ("PATH"), which is administered by the Division of Mental Health and Addiction Services. Additionally, should Petitioner reapply for, and be granted EA benefits, any directives instituted by PATH shall be incorporated into Petitioner's EA Service Plan. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii).

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

Officially approved final version. May 27, 2025

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Natasha Johnson  
Assistant Commissioner

