



## 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 **08208-25 T.L.**

AGENCY DKT. NO. **C064268005 (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's EA benefits, and imposed a six-month EA ineligibility penalty, contending that his emergency was not beyond his control, and as such, he had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 15, 2025, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record closed. On May 16, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination as to the EA denial.

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 AFFIRM 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). N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, EA benefits shall not be provided for a period of six months "when an adult EA applicant or recipient has caused his or her own homelessness, without good cause[.]" Specifically, an applicant/recipient is ineligible for EA benefits for a period of six months when the applicant's behavior directly caused the emergent situation. See N.J.A.C.10:90-6.1(c)(3)(vii).

Here, the ALJ found, and the record substantiates, that Petitioner's emergent situation arose following a criminal incident on November 22, 2024, which resulted in an arrest, at his EA placement, on January 23, 2025, and his subsequent incarceration until April 11, 2025. See Initial Decision at 2. Petitioner had been placed at a motel on December 2, 2024, was arrested at the placement on January 23, 2025, and the Agency was made aware of the arrest on January 27, 2025, at which time Petitioner's EA placement was terminated. See Initial Decision at 2; see also Exhibit R-1 at 42-55, 56-59. Following his release from incarceration, on April 28, 2025, Petitioner applied for EA benefits, and on April 30, 2025, the Agency denied his application based upon his arrest and incarceration during his placement, thereby causing his homelessness. See Initial Decision at 2; see also Exhibit R-1 at 11-41; and N.J.A.C. 10:90-6.1(c)(3). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits was proper and must stand. See Initial Decision at 3. I agree.



As to the imposition of a six-month EA ineligibility period, the ALJ found that the Agency was not seeking a six-month penalty, however, a review of the EA denial specifies that the Agency was seeking a six-month period of ineligibility. See Initial Decision at 3; see also Exhibit R-1 at 11-17. As I agree with the ALJ's conclusion, that the EA termination was proper, I hereby affirm the Agency's imposition of a six-month EA ineligibility penalty upon Petitioner. Ibid.; see also N.J.A.C. 10:90-6.1(c)(3). Accordingly, the Initial Decision is modified to reflect this finding.

By way of comment, Petitioner is advised that his six-month EA ineligibility penalty shall run from April 30, 2025 the effective date of the EA termination, through October 30, 2025. See Exhibit R-1 at 11-17.

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, if it has not already done so.

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

Officially approved final version. May 21, 2025

---

Natasha Johnson  
Assistant Commissioner

