



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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Commissioner

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Lt. Governor

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 **12889-26 A.G.**

AGENCY DKT. NO. **C100406018 (SOMERSET 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 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 hearing. On August 17, 2026, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ,") conducted a telephonic plenary hearing, took testimony and admitted documents. On August 18, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). 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, the record reveals that Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/ TANF") benefits recipient, applied for EA benefits on July 30, 2026, and that, on that same date, the Agency denied her EA benefits application, citing that she had caused her own homelessness, as she was not legally evicted from her permanent housing. See Initial Decision at 2-3; see also Exhibit R-1; and N.J.A.C. 10:90-6.1(c)(3). Petitioner had previously had her EA benefits terminated in March, 2025, due to her housing being in excess of the fair market rent ("FMR") for Somerset County. See Initial Decision at 3. Petitioner did request a fair hearing regarding the March, 2025 termination of benefits; however, such request was not made until June 15, 2026, well beyond the 90-day time period set forth for requesting a fair hearing. See Initial Decision at 3; see also Exhibit R-2 and N.J.A.C. 10:90-9.10.

At the time of her application, Petitioner informed the Agency that she had left her housing at her landlord's request due to her being approximately fifteen months in rental arrears. See Initial Decision at 3; see also Exhibit R-1. Petitioner, however, was not legally evicted from the property. Ibid. Thereafter, Petitioner moved into a different property, but failed



to provide a lease agreement, and, in addition, the Agency requested that Petitioner submit twelve months of utility and water bills to prove that the property was within FMR for the County, however, Petitioner failed to provide such documentation to the Agency. Ibid. Petitioner has subsequently left that property. Ibid.

Based on the foregoing, the ALJ found that Petitioner had caused her own homelessness, and concluded that the Agency's denial of EA benefits, and the imposition of a mandatory six-month EA ineligibility period, were proper and must stand. See Initial Decision at 2-4; see also N.J.A.C. 10:90-6.1(c)(3). I agree.

By way of 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.

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

Officially approved final version. August 26, 2026

Natasha Johnson
Assistant Commissioner

