



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 **05938-26 G.M.**

AGENCY DKT. NO. **C313915020 (UNION COUNTY DIVISION 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 ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 17, 2026, the Honorable Sandra L. Lascari, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 20, 2026, 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, a recipient of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, was placed at a shelter between October 7, 2025 and March 2, 2026, during which period he experienced no issues at the placement. See Initial Decision at 3. On March 2, 2026, Petitioner was informed that his minor child would need to undergo emergency surgery and he departed the shelter to travel to North Carolina to be with her for the surgical procedure. Ibid. Due to his out-of-state travel, Petitioner did not report to the shelter on that date, which led to the process of EA benefits termination being initiated. Ibid. Petitioner later provided the Agency with a letter from his father, indicating that Petitioner had stayed with him from March 7, 2026 to March 16, 2026, and that Petitioner's father had handled the expenses associated with the emergency trip out-of-state. Ibid. On March 18, 2026, Petitioner, who had returned to New Jersey, was placed at a different shelter under Code Blue. Ibid. Subsequently, Petitioner reported to the shelter placement after leaving the Agency office, at approximately 11:00 a.m. Ibid. Upon his arrival, Petitioner was informed that the check-in/intake staff member would not arrive to the shelter until 3:00 p.m., however, upon Petitioner's return, around 3:00 p.m., the intake staff member had not yet arrived and he informed the staff present that he needed to report to his work. Ibid. After work, Petitioner returned to the shelter but the shelter did not permit him entry, indicating to Petitioner that he had not completed the intake process and had not provided proof of employment. Ibid. At the time of the hearing, Petitioner testified that



he did not refuse the shelter placement, rather, the shelter refused to allow him entry to the shelter. Ibid. Thereafter, the Agency terminated Petitioner's EA benefits, and imposed a six-month period of ineligibility for EA benefits, citing that he had caused his own homelessness by failing to report to the shelter placement. Ibid.; see also N.J.A.C. 10:90-6.1(c)(3) (vi). Petitioner has, since March 25, 2026, been placed at a different shelter placement, as he was entitled to thirty days of placement prior to his termination of benefits, and he has experienced no issues at the placement. See Initial Decision at 3.

Based on the foregoing, the ALJ concluded that the Agency had began their termination process prior to Petitioner being afforded the opportunity to offer an explanation of the circumstances regarding his shelter intake process and the potential breakdown of communication between various shelter staff. See Initial Decision at 3. Further, the ALJ found Petitioner's testimony credible. Ibid. Accordingly, the ALJ concluded that the Agency's termination 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. April 28, 2026

Natasha Johnson
Assistant Commissioner

