



State of New Jersey

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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 **06686-26 G.T.**

AGENCY DKT. NO. **C045477008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of shelter placement, 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 she had failed to show up at the Agency offered shelter placement, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On June 11, 2026, the Honorable Susan McCabe, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 25, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were received from Petitioner's counsel on July 1, 2026.

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 determinations, based on the discussion below.

When a WFNJ recipient qualifies for EA benefits, the "county/municipal 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." N.J.A.C. 10:90-6.3(a)(1). Such emergency housing includes placement in a shelter. Ibid.

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." N.J.A.C. 10:90-6.1(c)(3).

By way of procedural background, and as referenced within the record in this matter, I note that a prior Final Agency Decision was issued involving Petitioner under OAL Docket number HPW 12733-25 on November 6, 2025, in which it was noted that the ALJ in that matter expressed sincere concerns regarding Petitioner's mental health in her Initial Decision, which concerns were then echoed by this office in issuing the Final Agency Decision. See Exhibit R-8. Within the Final Agency Decision, this office ordered that the Agency again refer the Petitioner to PATH, with the understanding that she had previously rejected case management and services. Ibid. Further, the Final Agency Decision directed that Petitioner's EA service plan ("SP") was to include various terms related to her mental health including "selection of a housing arrangement which takes into consideration the recipient's circumstances, such as mental or physical problems, and Petitioner's participation in programs designed to address barriers that may prohibit her from maintaining permanent housing, such as the Behavioral Health Initiative. See N.J.A.C. 10:90-6.6(a)(1)(i). Additionally, any directives instituted



by PATH shall be incorporated into Petitioner's SP. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii)." Ibid. A review of the documentary record in the present matter evidences that, following the issuance of the Final Agency Decision in that prior matter, Petitioner was again referred to PATH on November 12, 2025 and December 15, 2025. See Exhibits R-9, R-10. The record further reflects that Petitioner has failed to respond in any meaningful way to case management, either by being unresponsive to case management or being non-compliant with any suggestions offered to her, and failed to enroll in mental health treatment as explicitly contained in the terms of her EA SP of November 12, 2025. See Exhibits R-1, R-11.

The record here reveals that Petitioner was in receipt of EA benefits, when the Agency informed her, on December 31, 2025, that she would need to leave her current EA placement, as she had been at the motel for 30 days, and as such, moves are required to prevent establishing residency at the placement. See Initial Decision at 3; see also Exhibit R-1. On January 1, 2026, Petitioner failed to appear at the new motel placement and on January 2, 2026, the Petitioner contacted the Agency indicating that the motel stated there was no referral for her at the motel. Ibid. The motel confirmed with the Agency that a placement letter was received and that the Petitioner did not appear. Ibid. On January 2, 2026, Petitioner refused to leave the original motel placement, and law enforcement became involved in her removal. Ibid. On January 2, 2026, the Agency issued a termination notice to Petitioner. See Exhibit R-7. The Agency provided Petitioner with an alternative motel as continuing assistance, pending her fair hearing, however, she also failed to appear at that motel. See Exhibit R-1 On January 12, 2026, Petitioner accepted placement at the motel. Ibid.

Based on the foregoing, the ALJ found that Petitioner had caused her own homelessness by failing to report to the shelter/motel placement provided by the Agency, and concluded that the Agency's termination of EA benefits, and the imposition of a mandatory six-month EA ineligibility period, were proper and must stand. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.1(c)(3)(i), -6.3(a)(1), -6.3(c), -6.6. I agree.

By way of comment, because Petitioner has received continued assistance pending the outcome of this fair hearing, her six-month EA penalty will begin to run as of the date of the issuance of this Final Agency Decision.

By way of additional comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter. Petitioner's counsel, within the Exceptions, again asserts that Petitioner's mental health creates a functional incapacity. However, the record clearly establishes that the Agency has made extraordinary efforts to attempt to provide Petitioner with the appropriate housing and mental health treatment, which has been repeatedly rebuffed by Petitioner, and who has not taken any opportunity, of multiple presented, to address her mental health, take responsibility for her mental health, and to comply with any terms of the programs intended to benefit her; rather, Petitioner has chosen to be non-responsive and non-compliant.

By way of further comment, the Agency's termination letter of January 2, 2026, was amended on January 14, 2026, to include EA SP violations. However, said SP violations were not considered by the ALJ in this matter when rendering the Initial Decision, and as such, are not contemplated within this Final Agency Decision. The Agency is without prejudice to bring further action regarding the EA SP violations.

By way of final 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 18, 2026

Natasha Johnson
Assistant Commissioner

