



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 **10726-26 J.S.**

AGENCY DKT. NO. **C319251020 (UNION COUNTY DIVISION 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 he had caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 9, 2026, the Honorable Gerard Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 10, 2026, 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the 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. 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 ALJ found, and the record substantiates, that Petitioner's emergent circumstances were not beyond his control, and that he had thereby caused his own homelessness. See Initial Decision at 2-4; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.1(c)(3)(vi). On May 13, 2026, Petitioner applied to the Agency for EA benefits and informed the Agency that his ex-spouse had a temporary restraining order ("TRO") which prevented him from residing with her as evidence of his homelessness. See Initial Decision at 2-3; see also Exhibit R-2. On June 11, 2026, the Agency denied Petitioner EA benefits, and imposed a six-month period of ineligibility for EA benefits, contending that Petitioner was ineligible to receive EA benefits because he had caused his own homelessness from his last permanent housing. See Initial Decision at 3-4; see also Exhibit R-1. At that time, Petitioner presented the Agency with a TRO he had obtained against his ex-spouse based upon the same May 11, 2026 incident. See Initial Decision at 3. The tandem TROs became final restraining orders ("FROs") after a hearing in the Superior Court which found that both parties were partially responsible for the domestic violence incident, however, Petitioner remained barred from returning to his ex-spouse's residence. Ibid.



Based on the foregoing, the ALJ concluded that Petitioner's behavior directly caused his own homelessness, as the TRO obtained by his ex-spouse bars him from residing at her home. See Initial Decision at 3-4; see also Exhibit R-2 and N.J.A.C. 10:90-6.1(c)(3)(vi). Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 3-4. I agree.

Additionally, at the time of the hearing, based upon the testimonial and documentary evidence produced, the ALJ found that Petitioner has been residing at a shelter since June 12, 2026, such that he is not currently in a state of homelessness and no emergency exists. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.1(c). I also agree.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from June 11, 2026, the effective date of the Agency's denial, through December 11, 2026. See Exhibit R-1.

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

Officially approved final version. July 21, 2026

Natasha Johnson
Assistant Commissioner

