



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
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 **09441-26 T.C.**

AGENCY DKT. NO. **S436546014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she moved to New Jersey without a plan, and that she had the capacity to plan to avoid her own homelessness, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 23, 2026, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 3, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

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). 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).

Here, based on the credible evidence and the application of the relevant law, the ALJ concluded that Petitioner had the capacity to plan to avoid her homelessness, but failed to plan for housing prior to her move to New Jersey. See Initial Decision at 2-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c), -6.1(c)(3). Specifically, the ALJ found that Petitioner left her residence in Virginia, and, upon her arrival in New Jersey, was provided with a "Code Blue" placement from February 24, 2026 to March 3, 2026, after which time she was placed at a warming center during March, 2026. See Initial Decision at 2; see also Exhibit R-1. Petitioner was accepted into a shelter program through May, 2026; however, she was noncompliant with mandatory programming at the shelter, and has been homeless since her departure from the shelter. Ibid. On March 4, 2026, the Agency denied Petitioner's application for EA benefits, citing that she had caused her own homelessness by voluntarily leaving her housing in Virginia and coming to New Jersey with no plan for housing, and further issued a six-monthly ineligibility period for receipt of EA benefits from March 4, 2026 through September 6, 2026. Ibid.

Based on the foregoing, the ALJ concluded that the Petitioner had failed to plan for her housing prior to leaving Virginia, and thus, based upon Petitioner's failure to plan for housing, the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month ineligibility period for EA benefits, were proper and must stand. See Initial Decision at 2-4; see also N.J.A.C. 10:90-6.1(c), -6.1(c)(3). I agree.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version. August 27, 2026

Natasha Johnson
Assistant Commissioner

