



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 **10331-26 T.F.**

AGENCY DKT. NO. **C068543008 (GLOUCESTER COUNTY DIV. 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 EA benefits ineligibility. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had caused her own homelessness by refusing shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 2, 2026, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 6, 2026, the ALJ issued an Initial Decision, reversing the Agency's termination of EA benefits as well as the Agency's imposition of a six-month EA ineligibility period.

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 MODIFY the Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "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." Such emergency housing may include placement in a shelter. Ibid.

EA benefits shall not be provided for a period of six months when an applicant/recipient "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

Here, the record reflects that Petitioner applied for EA benefits on June 5, 2026, and indicated that she had left a shelter, where she had been previously housed, due to mental health issues. See Initial Decision at 3; see also Exhibit R-1. On June 5, 2026, Petitioner was placed at a motel placement, however, on June 8, 2026, Petitioner was terminated from such placement for leaving the motel. Ibid. On June 8, 2026, Petitioner was placed at a different motel, where she stayed through June 18, 2026. Ibid. Thereafter, based on a conversation with Petitioner's physician, the Agency determined that the most appropriate form of shelter placement would be a shelter, which Petitioner declined due to her mental health issues. Ibid.; see also N.J.A.C. 10:90-6.3(a)(1). Based upon Petitioner refusing the shelter placement, on June 17, 2026, the Agency terminated Petitioner's EA benefits and imposed a six-month period of ineligibility for receipt of EA benefits due to Petitioner causing her own homelessness. Ibid.



At the time of the hearing, Petitioner testified that she suffers from a severe anxiety disorder and that she feels unsafe being housed in a shelter with so many different people. See Initial Decision at 3. Petitioner also testified that, during her prior shelter stay, she had suffered from panic attacks where she found herself unable to breathe. Ibid. Petitioner did produce two different letters from physicians indicating that she has been diagnosed with severe anxiety and that a shelter placement would not be best for her due to her mental health diagnoses. Ibid.; see also Exhibit R-1.

Based on the foregoing, the ALJ found that the Agency's termination of EA benefits was improper and must not stand. See Initial Decision at 2-4; see N.J.A.C. 10:90-6.3(c). Further, the ALJ concluded that good cause existed to waive the six-month period of ineligibility for Petitioner, due to Petitioner's mental health diagnosis and the recommendations of her physicians. Ibid. I agree and as such, based on Petitioner's particular mental health circumstances, I find that she is eligible for EA benefits, and the Agency shall adhere to the recommendations of her physicians when determining her placement. Further, Petitioner is advised that she is required to engage in mental health services/treatment(s), and to participate in the SAI/BHI program, and that such mandatory requirements shall be incorporated into her EA service plan ("SP"). See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.3(g), -6.6(a)(1)(iii)(7). Petitioner is further advised that failure to follow through with services to address those barriers may again result in a termination of EA benefits and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.6(a). The Initial Decision is modified to reflect the above findings.

By way of comment, Petitioner is further advised that if she refuses appropriate placement offered by the Agency, she may be denied EA benefits, and a six-month period of ineligibility for EA benefits may be imposed. See N.J.A.C. 10:90-6.1(c)(3). The Agency is reminded that they must properly reassess and evaluate Petitioner to determine an appropriate housing placement, taking into account Petitioner's mental health issues and whether or not she is currently receiving treatment for same.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is REVERSED, as outlined above.

Officially approved final version. July 15, 2026

Natasha Johnson
Assistant Commissioner

