



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
Commissioner

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Lt. Governor

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 **05295-26 T.R.**

AGENCY DKT. NO. **C093022003 (BURLINGTON COUNTY BD. 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 caused his own homelessness by refusing to accept an appropriate shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On July 6, 2026, the Honorable Advia Knight Foster, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 21, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were received from Petitioner on August 4, 2026.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 discussed 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.*

The record in this matter reveals that Petitioner applied for, and was granted, an extension of EA benefits on March 6, 2026, via an application for Emergency Assistance for Special Groups ("EASG"). See Initial Decision at 2; see also Exhibit R-A; N.J.A.C. 10:90-6.4(a), (b), (c), and State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), now codified at N.J.S.A. 44:10-51(a)(3), and extended pursuant to State of New Jersey Assembly Bill, No. 5549, and Division of Family Development Instruction ("DFDI") No. 25-02-01. On March 6, 2026, the Agency offered to place Petitioner at a shelter, however, Petitioner refused the shelter placement, asserting that he could not be placed at the shelter due to his mental illness. See Initial Decision at 2-3; see also Exhibit R-A. Thereafter, on March 9, 2026, the Agency sent Petitioner a notice terminating his EA benefits, indicating that Petitioner had refused shelter placement, and imposing a six-month ineligibility period from receipt of EA benefits. See Initial Decision at 2-3; see also Exhibit R-A. At the time of the hearing, Petitioner asserted that his mental illness prevented him from being placed at a shelter, however, the ALJ found that Petitioner offered no medical documentation in support of such contention. See Initial Decision at 3.



Based on the foregoing, the ALJ in this matter concluded that the Agency's offer of EA placement was the appropriate form of EA benefits to meet Petitioner's emergent need based on the facts presented, and as such, when Petitioner refused said placement, the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 3-4; see also Exhibit R-A, and N.J.A.C. 10:90-6.1(c)(1)(ii), -6.1(c)(3) (stating that 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"), -6.3(a)(1). I agree.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Additionally, the Exceptions submitted referenced attached medical documentation from April, 2026. However, while the Exception was received without any attachments, it should be noted that evidence, documentary or otherwise, not presented to the ALJ at the hearing shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

By way of further comment, as Petitioner has received continued assistance pending the outcome of this hearing, Petitioner's six-month EA ineligibility penalty shall begin as of the date of issuance of this Final Agency Decision.

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

Officially approved final version. August 27, 2026

Natasha Johnson
Assistant Commissioner

