



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*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 **09519-24 M.L.**

AGENCY DKT. NO. **S605471012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and imposition of a six-month period of ineligibility for EA benefits, as well as a denial of an EA benefits extension. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to comply with his EA service plan ("SP"), without good cause, and denied him an EA benefits extension contending that he had exhausted his lifetime limit of EA benefits, and did not qualify for any available extensions of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 11, 2024, the Honorable Jeffrey F. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 1, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

EA benefits recipients are required to develop and sign an SP with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and the imposition of a six-month period of EA ineligibility. Ibid.

Here, the ALJ found, and the record substantiates, that Petitioner had executed SPs, wherein he agreed, among other things, to conduct weekly housing searches, and to provide the Agency with housing-search logs as proof of such searches, and wherein he was advised that failure to comply with his SP could affect his EA benefits eligibility. See Initial Decision at 2-3; see also Exhibits R-1, R-4, and N.J.A.C. 10:90-6.6(a). The record also reflects that the Agency had sent Verification Lists to Petitioner, reminding him to provide the Agency with his required housing-search logs, the last one being sent to Petitioner on March 25, 2024. See Exhibits R-2, R-5. Petitioner admitted that he had failed to provide all required housing search logs to the Agency, and the record indicates he failed to provide any good cause reason for such failure. See Initial Decision at 4. According, the ALJ concluded that Petitioner had failed to comply with his SP by failing to conduct all required job searches, and to provide proof of same to the Agency, with no good cause shown. Id. at 2-5; see also Exhibit R-6. Based on the foregoing, the ALJ concluded that 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 5-6; see also Exhibit R-7. I agree. However, the ALJ mistakenly relied upon N.J.A.C. 10:90-6.1(c)(3), the causing of one's own homeless, as the basis for his affirmation of the Agency's determination, rather than the correct regulatory authority found at N.J.A.C. 10:90-6.6(a). Ibid. The Initial Decision is modified to reflect the controlling regulatory authority in this matter.



Additionally, the record reflects that the Agency also denied Petitioner further EA benefits on the basis that he had exhausted his lifetime limit of EA benefits, and did not qualify for an extension of those benefits. See Initial Decision at 3; see also Exhibits R-7, R-8, R-9, R-12, and N.J.A.C. 10:90.6.4(a), (b), N.J.S.A. 44:10-51(a)(3), and DFD Instruction 19-02-01 at 2. The ALJ found that Petitioner had exhausted his lifetime limit of EA benefits, and was ineligible for an extension of EA benefits because he was not in compliance with his Work First New Jersey/EA SP requirements, and as such, concluded that the Agency's denial of an EA benefits extension was proper and must stand. See Initial Decision at 3, 5; see also Exhibits R-7, R-12. I also agree.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. November 26, 2024

---

Natasha Johnson  
Assistant Commissioner

