



## 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 13400-24 A.S.

AGENCY DKT. NO. C117917001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

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 she had violated her EA service plan ("SP") when she allowed an unauthorized person in her residence. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 11, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 27, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 REVERSE the Agency's determination, based on the discussion below.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed SP. Ibid. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid. N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e); see also DFDI No. 08-05-04 at 10. An adult EA benefits recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e)(1).

Here, the record reflects that on January 18, 2024, Petitioner applied for EA and on March 20, 2024, she executed an SP wherein she agreed, among other things, to notify the Agency of any changes in household composition, and to not have any unauthorized people or visitors in her residence. See Initial Decision at 4; see also Exhibit R-1 at 13-16, 21-27. On July 10, 2024, Petitioner met with an Agency social worker and disclosed that she had a significant other, E.B., who resided at a different address with his mother. See Initial Decision at 4. Following that conversation, the Agency representative made a referral for a residency investigation. Ibid.; see also Exhibit R-1 at 10,12. On August 1, 2024, the Agency investigator went to Petitioner's address, knocked, and identified Petitioner as well as an adult male at the residence, who identified himself as E.B., Petitioner's significant other. See Initial Decision at 4; see also Exhibit



R-9. Following the visit, the Agency investigator shared his investigation memorandum with the requesting Agency social worker and, based solely upon the memorandum, the Agency notified Petitioner that her EA benefits would be terminated effective August 1, 2024, and that there would be a six-month penalty imposed due to Petitioner allowing an authorized individual to live at her residence. See Initial Decision at 4; see also Exhibit R-1 at 1-6, 9, 11. Petitioner testified that E.B. does not live at her residence, that he visits and assists her in caring for her minor child, that there was a misunderstanding with the questions posed when the Agency investigator came to the residence, and that E.B. resides with his mother at a different address. See Initial Decision at 3.

The ALJ in this matter found that the Agency relied solely upon the memorandum of the Agency investigator, as well as his brief conversation at Petitioner's residence, and that no corroborating information or documentation was presented regarding E.B.'s residency. See Initial Decision at 8. Further, the ALJ found that the Agency failed to comply with the procedures set forth in N.J.A.C. 10:90-6.3(g), which require the Agency to review the reason for termination with the Petitioner prior to terminating EA benefits. *Ibid.*; see N.J.A.C. 10:90-6.3(g) (stating that "[p]rior to EA termination, the agencies shall review, with the recipient, the reason(s) for the termination"). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 8-9. I agree.

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

Officially approved final version. February 13, 2025

---

Natasha Johnson  
Assistant Commissioner

