



## State of New Jersey

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**DIVISION OF FAMILY DEVELOPMENT**  
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**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 **00185-25 A.S.**

AGENCY DKT. NO. **C279594009 (HUDSON COUNTY DEPT OF FAM 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, contending that she had exhausted her lifetime limit of EA benefits, and did not qualify for an extension of EA benefits at the present time, and contending that she failed to comply with her EA Service Plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for an emergent hearing. On January 10, 2025, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 13, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination as to the termination of EA, but declining to impose the six-month period of ineligibility for EA benefits.

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 AFFIRM 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.

Here, the ALJ found that Petitioner, as of December 2024, had been receiving EA benefits for a total of eighteen months, which included the 12-month lifetime limit of EA, as well as a six-month hardship extension of said benefits. See Initial Decision at 2; see also Exhibit R-2. Petitioner executed an EA SP on or about August 28, 2024, which was then updated on September 19, 2024, identifying goals including conducting weekly employment searches. See Initial Decision at 2. As of December 4, 2024, Petitioner had never submitted any employment searches to the Agency, which led to the termination of Petitioner's EA benefits. See Initial Decision at 2-3. Petitioner testified that she had no recollection of a document requiring her to perform employment searches, but admitted that she never conducted such searches. Id. at 3. The ALJ did not find Petitioner's testimony to be credible as to her being unaware of the requirement that she conduct employment searches. Id. at 4.



The ALJ found, and the record substantiates, that Petitioner has received her lifetime limit of EA benefits, and currently does not qualify for any further extension of said benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.4(a), (b), (c). Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits was proper and must stand. See Initial Decision at 6. I agree.

The ALJ further found that this matter was transmitted to be heard on an emergent basis, however, no emergent circumstances were presented at the time of the hearing and Petitioner was not imminently homeless. Id. at 5-6. The ALJ found that the Agency presented no evidence as to why Petitioner should be disqualified from the receipt of EA for six-months based solely upon the employment search violation of her service plan. See Initial Decision at 6. Therefore, the ALJ declined to impose the six-month disqualification for EA benefits. Ibid. I disagree with this conclusion. First, I note that the transmittal in this case reflects that Petitioner was claiming that she was going to be homeless by January 2025, and as such, the matter was correctly transmitted by DFD for an emergent fair hearing. Additionally, based on Petitioner's own admission, that she failed to comply with her EA service plan by not conducting any job searches, with no good cause shown, in accordance with regulatory authority, a six-month EA penalty must be imposed, and as such, I find that the Agency's imposition of a six-month EA ineligibility period was proper and must stand. See N.J.A.C. 10:90-6.6(a). The Initial Decision is modified to reflect this finding.

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

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

Officially approved final version. January 22, 2025

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Natasha Johnson  
Assistant Commissioner

