



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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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 13822-24 A.T.

AGENCY DKT. NO. S608366012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she violated the terms of her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 22, 2024, but was adjourned twice at the parties' request. On December 2, 2024, and December 4, 2024, the Honorable Gauri Shirali Shah, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents, and on December 20, 2024, the record was closed. On December 31, 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.

N.J.A.C. 10:90-6.3(g) states that, "[p]rior to EA termination, the agencies shall review, with the recipient, the reason(s) for the termination. If additional barriers are identified that may have prevented EA compliance, then the recipient is considered to have good cause and shall not be terminated and a penalty shall not be imposed. The recipient shall be required to follow through with services to address those barriers for continued EA eligibility. Such services shall be identified as mandatory activities in the [SP]."

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve their emergent situation. See N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of, and complying with, a written and signed service plan. *Ibid.* If a recipient fails to comply with the service plan, without good cause, then the recipient's EA benefits must be terminated, and a six-month period of ineligibility for EA benefits imposed. *Ibid.*

Here, the record reflects that Petitioner had executed two SPs, one on April 4, 2024, and another on May 28, 2024, wherein she agreed, among other things, to attend all scheduled meetings with her caseworker and to provide proof that she was attending, or was scheduled to attend, a mental health evaluation. See Initial Decision at 2-3; see also Exhibits R-2, R-3 and N.J.A.C. 10:90-6.6(a). The record also reflects that Petitioner knew that she had an obligation to conduct and provide proof of housing and employment searches, but that her mental health issues prevented her from complying with those requirements. See Initial Decision at 3-5; see also Exhibits R-2, R-3, R-8, P-3, P-4, P-5. Based on the credible testimony of Petitioner, the ALJ found that Petitioner's failure to comply with her obligations to conduct and



provide housing and employment searches stemmed from her mental health issues, that the Agency had constructive notice of her mental health issues by virtue of disclosure on her EA application, and notice she was waitlisted for a mental health evaluation, and that the Agency had failed to prove that it had considered Petitioner's mental health barriers prior to its termination of her EA benefits, as required by regulatory authority. See Initial Decision at 3-5; see also Exhibits P-2, R-1, and N.J.A.C. 10:90-6.3(g). Additionally, prior to the hearing, on November 19, 2024, following the reinstatement of her health insurance, Petitioner did undergo a mental health evaluation through the Work First New Jersey ("WFNJ") Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") and, although she was deemed stable, was referred for additional counseling. See Initial Decision at 3; see also Exhibit R-12. Based on the foregoing, the ALJ concluded that Petitioner had good cause for failing to comply with her SP, and that the Agency's termination of Petitioner's EA benefits, thereby rendering her ineligible for EA benefits for a period of six months, was improper and must be reversed. See Initial Decision at 5-6; and N.J.A.C. 10:90-6.3(g), -6.6(a). I agree.

By way of comment, as the record indicates that Petitioner has mental health issues, which appear to prevent her from compliance with EA benefits eligibility requirements, Petitioner "shall be required to follow through with services to address those barriers for continued EA eligibility." See Initial Decision at 3-5; see also N.J.A.C. 10:90-6.3(g). Further, "such services shall be identified as mandatory activities in the [SP]." See N.J.A.C. 10:90-6.3(g); see also N.J.A.C. 10:90-6.6(a)(1)(iii)(7). Finally, Petitioner is advised that any future violation of her SP may result in the termination of EA benefits and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.6(a).

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

Officially approved final version. February 13, 2025

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Natasha Johnson  
Assistant Commissioner

