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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 **10663-25 B.M.**

AGENCY DKT. NO. **S486944012 (MIDDLESEX 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 penalty, contending that he failed to comply with the terms of his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 18, 2025, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 19, 2025, the ALJ issued an Initial Decision, affirming the Agency's termination of EA benefits to Petitioner and the imposition of a six-month EA ineligibility penalty.

Exceptions to the Initial Decision were received from Petitioner on June 25, 2025.

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 MODIFY 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 applied for EA benefits on June 4, 2024, and subsequently executed three SPs, one on August 9, 2024, one on December 2, 2024, and one on March 21, 2025, wherein he agreed, among other things, to complete a mandatory Substance Abuse Initiative and Behavioral Health Initiative ("SAI/BHI") assessment. See Initial Decision at 2; see also Exhibits R-1, R-3, R-5 and N.J.A.C. 10:90-6.6(a). Petitioner failed to comply with the SAI/BHI assessment and his EA benefits were terminated effective April 20, 2025. See Initial Decision at 2; see also Exhibit R-7. At the time of the hearing, Petitioner provided no testimonial or documentary evidence as to his failure to comply with the SP. See Initial Decision at 2. Based on the foregoing, the ALJ concluded that Petitioner had no good cause for failing to



comply with his SP, and that the Agency's termination of Petitioner's EA benefits, thereby rendering him ineligible for EA benefits for a period of six months, was proper and must stand. See Initial Decision at 3; see also N.J.A.C. 10:90-6.6(a).

I have reviewed Petitioner's Exceptions, authored by a licensed social worker from Robert Wood Johnson University Hospital, and I find that the arguments made therein, regarding Petitioner's misunderstanding as to contacting and communicating with a medical provider, are persuasive. Further, the Exception states that Petitioner did undergo a mental health evaluation through the SAI/BHI on June 24, 2025, while he was hospitalized for a physical ailment. Based upon the information contained in Petitioner's Exceptions, Petitioner has mental health issues, which appear to prevent him from compliance with EA benefits eligibility requirements, and Petitioner "shall be required to follow through with services to address those barriers for continued EA eligibility." See 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 his 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).

Based on the foregoing, I find that the Agency correctly terminated Petitioner's EA benefits, for failure to comply with his SP, however, based on Petitioner's particular mental health circumstances, I find that he may reapply for EA benefits, and the Agency shall assist him with such reapplication, as necessary. See N.J.A.C. 10:90-6.6(a). As such, Petitioner shall not be subject to the six-month period of ineligibility for EA benefits at the present time. See N.J.A.C. 10:90-6.6(a). The Initial Decision, and Agency action, are both modified to reflect the above findings and applicable regulatory authority.

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

Officially approved final version. July 08, 2025

Natasha Johnson
Assistant Commissioner

