



## State of New Jersey

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*Governor*

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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 **01359-25 C.B.**

AGENCY DKT. NO. **C078254015 (OCEAN COUNTY BOARD 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 ineligibility penalty, contending that she was involved in a physical altercation with another motel guest and in possession of an item used as a weapon, which required the involvement of law enforcement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 1, 2025, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On April 10, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, possessing a weapon or an instrument used as a weapon, or engaging in threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents; or violation of the shelter's health and safety policies. See N.J.A.C. 10:90-6.3(c)(1), -6.3(c)(3) and -6.3(c)(5).

Here, in relevant part, Petitioner had been receiving EA benefits and residing in a motel since May 2024, and had signed, on May 13, 2024, an agreement, wherein she was informed that her EA benefits would be terminated if she was asked to leave the motel placement due to possessing a weapon, using an instrument as a weapon, or engaging in threatening or disruptive behavior that affected the operations of the shelter or safety of other residents. See Initial Decision at 2; see also Exhibit R-4. On December 23, 2024, Petitioner and another motel resident engaged in a physical and verbal altercation at the motel, where law enforcement became involved, and prepared a police report which resulted in Petitioner being charged with simple assault and aggravated assault with a weapon. See Initial Decision at 2; see also Exhibit R-8. The incident was captured on video, which was reviewed by law enforcement, and the ALJ, who detailed same in thorough detail, and following the incident, Petitioner turned herself into law enforcement. See Initial Decision at 2-3; see also Exhibit R-8. Petitioner's EA benefits were terminated on December 24, 2024, due to her violating the motel's rules, as well as her client agreement with the Agency. See Initial Decision at 3; see also Exhibit R-1. Petitioner testified that the other individual involved in the incident had treated her "aggressively" since May 2024, that she had made prior accusations against her, and that she did not use a baton but did have keys in her hand. See Initial Decision at 4. Petitioner did not dispute that her actions were wrong, but asserted that her behavior may have been impacted by past occurrences in her life causing behavioral health issues. Ibid. Petitioner provided a March 27, 2025, letter detailing her behavioral health diagnoses, and explained that she currently receives individual counseling and psychiatric care such



that she is compliant with her requirements for substance abuse and behavioral health programs with the Agency. Ibid.; see also Exhibit P-1.

Based on the foregoing, the ALJ concluded that Petitioner had violated the requirements for receipt of EA benefits by engaging in a physical altercation with another motel resident and using an object to strike that resident on motel property which caused her own homelessness, and accordingly, concluded that the Agency's termination of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper, and must stand. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(3)(vi). Further, the ALJ found that the regulations do not provide an exception, in this instance, for circumstances involving behavioral health issues. See Initial Decision at 5-6. I agree.

Exceptions to the Initial Decision were received from Petitioner on April 24, 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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

By way of further 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 ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. May 20, 2025

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Natasha Johnson  
Assistant Commissioner

