



## State of New Jersey

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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 **03394-25 D.S.**

AGENCY DKT. NO. **C073003012 (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 ineligibility penalty, contending that he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing was originally scheduled for April 29, 2025, however, Petitioner requested an adjournment to obtain counsel. On May 14, 2025, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. The record remained open until May 27, 2025, for the submission of additional documentation and then closed. On June 17, 2025, the ALJ issued an Initial Decision, reversing the Agency's determinations.

Exceptions to the Initial Decision were received from the Agency on June 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 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.

Here, the record reveals that Petitioner had executed at least two SPs, on March 21, 2024, and on June 19, 2024, wherein he agreed, among other things, to conduct weekly housing searches and to provide proof of such searches to the Agency, to attend scheduled meetings with the Agency, and to remain in compliance with his mental-health treatment program including providing the Agency with letters documenting same. See Initial Decision at 2-3; see also Exhibits R-2, R-5, and N.J.A.C. 10:90-6.6(a). The record reflects that, from August, 2023 through May, 2024, Petitioner provided reports of his participation in mental-health treatment. See Initial Decision at 3. Further, Petitioner submitted a MED-1 form to the Agency including mental-health diagnoses for May, 2024 through November, 2024, and again provided a MED-1 form to the Agency for May 9, 2025 through May 9, 2026. Ibid.; see also Exhibits R-17, P-1. On October 29, 2024, Petitioner was sent a notification that he was to meet with his Agency social worker on February 7, 2025, and advised that he must submit proof of his completed housing search logs weekly and provide verification of his attendance/



compliance with his mental-health treatment program. See Initial Decision at 3-4; see also Exhibit R-9. Petitioner failed to attend the meeting on February 7, 2025, at which time the Agency reviewed his SP compliance and found that he had not submitted housing logs for January, 2025 or provided monthly verifications of his compliance with his treatment program. See Initial Decision at 4. On February 10, 2025, the Agency sent Petitioner a notice informing him that his EA benefits would terminate effective March 13, 2025, and that a six-month ineligibility period for EA benefits would be applied. Ibid.; see also Exhibit R-10. Following receipt of the termination notice, and prior to the effective date of benefits termination, Petitioner submitted housing logs for January 2025. See Initial Decision at 4; see also Exhibit R-12. On March 17, 2025, he submitted a January 10, 2025 letter from a counseling center detailing his weekly treatment and confirming his compliance with the program. See Initial Decision at 4; see also Exhibit R-13. On March 31, 2025, Petitioner submitted an additional mental health program letter indicating his participation in an outpatient program. See Initial Decision at 4; see also Exhibit R-14. On April 22, 2025, Petitioner submitted additional housing logs. See Initial Decision at 4; see also Exhibit R-15. At the time of the hearing, Petitioner testified, and the ALJ found credible, that he had previously submitted housing search logs with the assistance of his sister and a friend, as he expressed difficulty with reading, writing, and utilizing the internet. See Initial Decision at 5. Petitioner additionally testified that his sister and friend ensured that he attended his medical appointments, which he has not missed since May 2024. Ibid. Petitioner explained that his sister had been unable to assist him with housing searches but that a friend assisted him during January and February, 2025. Ibid. Petitioner further testified that he believed that his mental-health treatment providers could communicate directly with the Agency as to his program compliance. Ibid.

Based on the credible testimony of Petitioner, the ALJ found, and the record substantiates, that Petitioner's failure to comply with his obligation to conduct and provide housing searches, as well as treatment compliance letters, may have stemmed from his mental health issues, and that the Agency had notice of his mental health issues prior to its termination of Petitioner's EA benefits, yet the Agency failed to determine if additional barriers may have prevented him from complying with his SP, as required by regulatory authority. See Initial Decision at 7; see also N.J.A.C. 10:90-6.3(g). 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, as Petitioner had shown good cause for his failure to comply. See Initial Decision at 7-8; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(g). Based on Petitioner's particular circumstances, I agree.

As Assistant Commissioner, Division of Family Development ("DFD"), 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, Petitioner is advised that he is required to engage in mental health services/treatment(s), and that such requirement shall continue to be incorporated into his SP. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.3(g), -6.6(a)(1)(iii)(7). Petitioner is further advised that he shall be required to follow through with services to address such barriers for continued EA eligibility, as well as to comply with all other SP requirements, and that failure to do so may result in the termination of EA benefits, and the imposition of a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.6(a).

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

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

Officially approved final version. July 16, 2025

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Natasha Johnson  
Assistant Commissioner

