



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

TRENTON, NJ 08625-0716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

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 12733-25 G.T.

AGENCY DKT. NO. **C045477008 (GLOUCESTER COUNTY DIV. 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 had violated her EA service plan ("SP") when she allowed an unauthorized visitor in her motel room and by damaging motel property. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 29, 2025 the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 12, 2025 the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on September 22, 2025. Cross-Exceptions were filed by Petitioner's counsel, on September 30, 2025.

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 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.

N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e); see also DFD Instruction ("DFDI") No. 08-05-04 at 10. An adult EA benefits recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e)(1).

Here, the record reflects that Petitioner began receiving EA benefits on May 1, 2025. See Initial Decision at 2; see also Exhibit R-1 at 17. Thereafter, on May 7, 2025, Petitioner met with an Agency representative and completed her EA service plan ("SP"), wherein she agreed to comply with the rules of her EA placement, including not having any individuals stay at the placement unless approved by the Agency. See Initial Decision at 3; see also Exhibit R-1 at 21.



On June 9, 2025, Petitioner was placed at a motel, and on July 1, 2025, the Agency received a Vendor Early Termination form from the motel manager indicating “broken walls” and “[h]er mother all the time in her room.” See Initial Decision at 3; see also Exhibit R-1 at 23. Following receipt of the form from the motel manager, the Agency issued a Notification Form terminating Petitioner’s EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 2-3. At the time of the hearing, the motel manager testified that he did not receive any complaints about Petitioner during her stay, that he did not see Petitioner’s mother during the stay which began on June 9, 2025, and that he specifically did not see Petitioner’s mother on July 1, 2025. See Initial Decision at 4. Notably, the motel manager was unable to provide any description of Petitioner’s mother, and no further testimonial or documentary evidence was presented from any motel employee as to seeing Petitioner’s mother stay in Petitioner’s hotel room. Ibid. Further, the motel manager did not witness Petitioner cause any damage to the room, testifying only that the hole in the motel wall was not there when she was placed in the room. Ibid. As such, the ALJ found that the testimony of the motel manager was “not particularly credible” and contained conflicting statements, particularly when compared to the language of the Vendor Early Termination form. Ibid.

At the time of the hearing, Petitioner testified that her mother was at her motel room on July 1, 2025 to assist her in moving as the Agency had planned to move Petitioner to a different placement location on that date. See Initial Decision at 4.

Based on the foregoing, the ALJ found that the Agency had failed to demonstrate by a preponderance of the evidence, that Petitioner had an unauthorized guest staying in her motel room, as the Agency relied solely upon the Vendor Early Termination form, without any corroborating information or documentation as to the allegations that Petitioner had an overnight visitor placement motel room. See Initial Decision at 6-7. Further, as to the damage to the motel wall, the ALJ found that no testimony or documentation was provided to indicate that the damage occurred during Petitioner’s stay in the motel room. See Initial Decision at 7. 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. See Initial Decision at 7. I agree.

By way of comment, the ALJ in this matter expresses genuine concern for the Petitioner in regards to her mental health, including specifically that Petitioner may not have access to her prescribed medications. See Initial Decision at 7. The record shows that Petitioner has mental health issues, and I agree with the ALJ, that Petitioner should be referred, again, with the understanding that she previously rejected case management and services, to PATH. Further, the Agency is to execute a service plan that takes into account Petitioner’s mental health issues. The service plan shall include, as appropriate, but is not limited to: selection of a housing arrangement which takes into consideration the recipient’s circumstances, such as mental or physical problems, and Petitioner’s participation in programs designed to address barriers that may prohibit her from maintaining permanent housing, such as the Behavioral Health Initiative. See N.J.A.C. 10:90-6.6(a)(1)(i). Additionally, any directives instituted by PATH shall be incorporated into Petitioner’s SP. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii).

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

By way of additional comment, I note for the benefit of Petitioner’s counsel that responses/replies to Exceptions or Cross-Exceptions are not permitted in DFD hearings. See N.J.A.C. 1:10-18.2.

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

Officially approved final version. November 06, 2025

---

Natasha Johnson  
Assistant Commissioner

