



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 17658-25 I.V.

AGENCY DKT. NO. **S587313012 (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 she failed to comply with the terms of her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 15, 2025, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 16, 2025, the ALJ issued an Initial Decision, affirming the Agency's termination of EA benefits to Petitioner, but finding good cause to reverse the imposition of a six-month EA ineligibility penalty.

Exceptions to the Initial Decision were received from the Agency on October 17, 2025. Exceptions to the Initial Decision were received, on behalf of Petitioner, from counsel on October 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 AFFIRM in part and REVERSE in part the Agency's determination, based on the discussion below.

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, "[t]hreatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents." See N.J.A.C. 10:90-6.3(c), (3).

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 16, 2025, and was placed at a motel on that same date. See Initial Decision at 2; see also Exhibit R-1. Further, Petitioner signed an EA SP where she agreed, among other things, to comply with all rules and regulations of the EA program and placement, specifically that she would not engage in "threatening and/or disruptive behavior that affects the operations of the shelter/motel or the safety of the other residents or guests". See Initial Decision at 3; see also Exhibit R-2 and N.J.A.C. 10:90-6.3(c)(3).



On September 25, 2025, the motel requested that Petitioner be removed following her involvement in a fight on the motel premises. See Initial Decision at 2; see also Exhibits R-4, R-8. On September 26, 2025, the Agency issued a Notice of Termination to Petitioner, indicating that her EA benefits would end effective October 26, 2025. See Initial Decision at 2; see also Exhibit R-6. Thereafter, on September 30, 2025, the Agency investigator interviewed Petitioner as to the incident that occurred on September 25, 2025. See Initial Decision at 4; see also Exhibit R-5. At the time of the hearing, Petitioner testified as to her involvement in the incident at the motel, noting that she was a prior victim of domestic violence which caused her to want to intervene. See Initial Decision at 4. Petitioner additionally testified that she has both physical and mental health issues and that she has stopped taking medication prescribed for her mental health treatment. Ibid.

Based upon the evidenced presented, the ALJ in this matter found that Petitioner had engaged in disruptive and threatening behavior at the motel placement, and based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 6; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(c). I agree.

With respect to the Agency's imposition of a six-month EA ineligibility penalty, based on Petitioner's testimonial and documentary evidence presented at the hearing, the ALJ found that Petitioner suffers from mental illness, which impacted her ability to avoid behaviors that contributed to her behavior, and as such, concluded that the imposition of a six-month EA ineligibility penalty was not appropriate. See Initial Decision at 7, see also N.J.A.C. 10:90-6.1(c)(1)(iii). In relevant part, a lack of realistic capacity to plan exists where the assistance unit demonstrates functional incapacity, such as a mental or cognitive impairment that would prevent them from planning for or securing substitute housing. See N.J.A.C. 10:90-6.1(c)(1)(iii). The record indicates that Petitioner has mental health issues, and I concur with the ALJ's conclusion that, as a result of those issues, Petitioner lacked the functional capacity to avoid the behaviors which lead to Petitioner becoming homeless. As such, Petitioner shall not be subject to the six-month period of ineligibility for EA benefits at the present time and as such, Petitioner may reapply for EA benefits immediately, if she has not already done so. See N.J.A.C. 10:90-6.6(a).

Petitioner is put on notice that any further violation of placement/shelter rules may result in not only termination of EA benefits, but also the imposition of a six-month period of ineligibility for EA benefits, as outlined above. See N.J.A.C. 10:90-6.6(a).

By way of comment, Petitioner is advised that it is the Agency who shall determine the most appropriate form of housing necessary to address her immediate need and individual circumstances. See N.J.A.C. 10:90-6.3(a)(1). The Agency, shall take into consideration Petitioner's particular circumstances, as referenced by her counsel in the submitted Exceptions.

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, and the Agency's determination in this matter is AFFIRMED in part and REVERSED in part, as outlined above.

Officially approved final version. October 30, 2025

Natasha Johnson
Assistant Commissioner

