



State of New Jersey

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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 02861-25 J.H.

AGENCY DKT. NO. C155927006 (CUMBERLAND 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, contending that he had exhausted his lifetime limit of EA benefits, that he did not qualify for a further extension of EA benefits at the present time, as well as that he violated 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 March 26, 2025, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 1, 2025, the ALJ issued an Initial Decision, affirming the Agency's termination of EA benefits to Petitioner, and reversing the Agency's imposition of a six-month EA ineligibility penalty.

No Exceptions to the Initial Decision were received.

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 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]."

EA benefits are limited to 12 months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for an additional six months of EA when an "extreme hardship" exists. Ibid. Thus, the maximum amount of EA that a WFNJ/GA benefits recipient may receive is 18 months. Further, State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866"), now codified at N.J.S.A. 44:10-51(a)(3), also known as Emergency Assistance for Specific Groups ("EASG"), and recently extended pursuant to State of New Jersey Assembly Bill, No. 5549, extends EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve (12) month MED-1 Form, and Supplemental Security Income ("SSI") benefits recipients. See DFD Instruction ("DFDI") No. 25-02-01.



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 began receiving EA benefits during February, 2024. See Initial Decision at 2; see also Exhibit R-1 at 11. On April 9, 2024, Petitioner met with his Agency social worker and reviewed an SP, wherein he agreed, among other things, that he may be placed in a residential healthcare facility if it was deemed the most clinically appropriate placement, that he would engage in counseling for mental health and substance abuse as clinically indicated, or engage in a program within a residential healthcare facility; that he would attend required appointments at the Guidance Center four times per week, that he would actively participate in appeals regarding his application for Supplemental Security Income ("SSI") benefits, and that, when stable in mental health treatment, he would perform required employment searches. See Initial Decision at 2-3; see also Exhibit R-2 at 10-12, and N.J.A.C. 10:90-6.6(a). Petitioner sought assistance from the Guidance Center and enrolled in the Adult Partial Care Program, which afforded him a case manager to assist with various needs, including emotional support. See Initial Decision at 3. On September 16, 2024, the Agency sent Petitioner a verification request requiring him to sign his SP, to provide attendance records and psychiatric evaluations, and to provide verification of his SSI denial appeal. *Ibid.*; see also Exhibit R-1 at 15-16. Having received no response, the Agency then issued a warning notice to Petitioner on October 3, 2024. See Initial Decision at 3; see also Exhibit R-1 at 13. On October 28, 2024, the Agency received documentation indicating Petitioner's various behavioral health/substance abuse issues. See Initial Decision at 3; see also Exhibits R-1 at 17, R-3 at 23.

Upon receipt and review of such documentation, the Agency social worker scheduled an appointment for Petitioner to attend a placement interview at a residential healthcare facility on November 14, 2024, and advised him of same, specifically that Petitioner's interview attendance was required by his SP. See Initial Decision at 3; see also Exhibit R-3 at 25. Petitioner attended the scheduled interview. See Initial Decision at 4; see also Exhibit R-3 at 26. The Agency social worker further arranged a referral to a different behavioral health residential healthcare facility, however, when he informed Petitioner of this on December 10, 2024, Petitioner informed his social worker that he wished to continue to stay at the rooming house where he had been residing. See Initial Decision at 4; see also Exhibit R-3 at 28-29. On December 16, 2024, Petitioner went to the Agency, however, he refused to sign the SP, as it contained language stating he could "be placed in a residential healthcare facility." See Initial Decision at 4; see also Exhibit R-2 at 3.

On January 2, 2025, the Agency sent Petitioner notice that his EA would terminate effective February 1, 2025, as he had reached his lifetime limit of twelve months of EA benefits, and because he failed to comply with his SP. See Initial Decision at 4; see also Exhibit J-1 at 2-3. Specifically, Petitioner had not provided evidence of his SSI appeal, and had refused placement at a residential healthcare facility, and as such the Agency sought to impose a six-month EA ineligibility penalty. *Ibid.* On January 29, 2025, Petitioner requested an EA hardship extension of benefits, contending he had retained counsel for his SSI appeal and was attending the behavioral health program required. See Initial Decision at 4. On February 19, 2025, the Agency denied the hardship extension, citing that Petitioner had failed to sign and comply with his SP, and had refused an appropriate placement in a residential healthcare facility. *Id.* at 4; see also Exhibit R-1 at 4.

The Agency social worker testified that Petitioner has provided proof of his SSI denial appeal, as well as medical documentation that would warrant a six-month EA hardship extension, however, he contends that the hardship extension would be denied as Petitioner has a six-month EA penalty for violations of his SP. See Initial Decision at 5. The express concern of the Agency is that Petitioner refuses to sign an SP. *Ibid.* The Agency social worker further testified that Petitioner's behavioral health may cause a barrier to his compliance with finding affordable housing and that he has evidenced only sporadic attendance at his behavioral health program, which is an indication of the necessity of a higher level of care being required. *Ibid.* Petitioner, conversely, testified that he has lived independently in his current rooming house since April 2024, without incident, and that he does not feel he needs to be placed in a residential healthcare facility. *Ibid.*

Based on the foregoing, the ALJ found that Petitioner was non-compliant with various terms of his SP, specifically in that he did not attend his behavioral health services program four times per week. See Initial Decision at 6-7. Testimony from the Agency representative, as well as Petitioner, reinforced that Petitioner is in need of supportive services and has difficulty complying with his SP due to his behavioral health issues. *Ibid.* However, the SP required Petitioner to accept placement in a residential healthcare facility, if deemed the most clinically appropriate placement, and Petitioner has refused such placement, accordingly, the ALJ found that the Agency's termination of EA was appropriate, and that a hardship extension was not warranted under the circumstances. See Initial Decision at 7. As the Agency recognizes that Petitioner's behavioral health is a barrier to his ability to find housing, the ALJ further concluded that good cause exists to



waive the six-month period of ineligibility, if Petitioner agrees to be placed in an appropriate residential healthcare facility. Ibid.

Based on the foregoing, the ALJ recognized that Petitioner's resistance to mental health therapy provided a barrier to his ability to comply with his service plan, however, the ALJ concluded that good cause existed to waive the six-month period of ineligibility for Petitioner, conditioned upon Petitioner becoming compliant with his mental health treatment. See Initial Decision at 8; see also N.J.A.C. 10:90-6.3(g). I agree, and as such, based on Petitioner's particular circumstances, find that he may reapply for EA benefits, and the Agency shall assist him with such reapplication, as necessary. See Initial Decision at 8; see also N.J.A.C. 10:90-6.6(a). Further, Petitioner is advised that should he be found eligible for EA benefits, he is required to engage in mental health services/treatment(s), and to participate in the SAI/BHI program, and that such mandatory requirements shall 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 failure to follow through with services to address those barriers may again result in a termination of EA benefits and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.6(a). The Agency's determination is modified to reflect the above findings.

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

Officially approved final version. May 16, 2025

Natasha Johnson
Assistant Commissioner

