



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **07864-25 J.R.**

AGENCY DKT. NO. **C480252007 (ESSEX COUNTY DIVISION OF WELFARE)**

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 due to violation of shelter rules. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she was involved in a physical and verbal altercation with another shelter resident, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 9, 2025, the Honorable Bindi Merchant, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 12, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were received from counsel for Petitioner on March 14, 2025.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM 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, 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, the record reflects that Petitioner applied for EA benefits, and signed an EA service plan ("SP"), wherein she agreed, among other things, to comply with all rules and regulations of her housing placements. See Initial Decision at 2; see also Exhibits R-1, R-2, R-3. Petitioner was transferred to a shelter on April 17, 2025, and the following day the shelter reported to the Agency that Petitioner had violated certain shelter rules by exceeding the number of allowable belongings, FaceTiming, and wearing inappropriate attire. Ibid. Further, the ALJ found, and the record substantiates, that Petitioner's EA benefits were terminated for violating shelter rules by engaging in threatening/disruptive actions, specifically engaging in a physical altercation with another shelter resident on April 25, 2025, as well as an incident later the same day involving hostile behavior by Petitioner towards shelter staff. See Initial Decision at 3; see also Exhibits R-1, R-2, R-3. Further, Petitioner was issued a six-month penalty based upon a termination without good cause. Ibid. Although Petitioner disputed the claims that she had engaged in disruptive and threatening behavior, the ALJ found that Petitioner's testimony was not credible. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that Petitioner had engaged in disruptive behaviors at her EA shelter placement, and therefore, the Agency's termination of Petitioner's EA



benefits, and the imposition of a six-month period of EA ineligibility, were proper and must stand. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(c)(3). I agree.

By way of comment, as Petitioner has received continued benefits pending the fair hearing, Petitioner's six-month EA ineligibility penalty shall begin to run upon issuance of this Final Agency Decision.

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.

Also by way of comment, I have reviewed the Exceptions received on behalf of Petitioner and I 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 is AFFIRMED, as outlined above.

Officially approved final version. May 14, 2025

Natasha Johnson
Assistant Commissioner

