



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **07088-25 M.F.**

AGENCY DKT. NO. **C349411007 (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. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he was involved in a physical and verbal altercation with another shelter resident, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 1, 2025, the Honorable Kimberly K. Holmes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 2, 2025, affirming in part and reversing in part the Agency's determination.

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 MODIFY the Initial Decision, and MODIFY 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, Petitioner, a recipient of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, applied for, and was provided EA benefits in the form of a shelter placement. See Initial Decision at 3. The rules and regulations of the shelter were explained to Petitioner by the Agency. Ibid. On March 14, 2025, Petitioner informed the shelter CEO that he had concerns about living in the shelter and he requested a transfer. Ibid.; see also Exhibit R-1. The shelter CEO contacted the Agency to arrange a meeting with an Agency representative, who came to the shelter on March 27, 2025, however, Petitioner did not meet with the Agency representative on that date. Ibid. On March 31, 2025, Petitioner declined to attend and participate in anger management counseling offered by the Agency. Ibid. On April 13, 2025, following a physical and verbal altercation with another shelter resident, after Petitioner testified that he observed the individual taking his belongings, and as a result, Petitioner was terminated from the shelter placement. Ibid. The following day, April 14, 2025, Petitioner applied for EA and was denied by the Agency. Ibid. Petitioner testified that he physically assaulted the other shelter resident, but that he felt his actions were justified. See Initial Decision at 4; see also Exhibit P-1. Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving that Petitioner engaged in behavior which resulted in the termination of his shelter placement, thereby causing his own homelessness, and as such, the termination



of EA benefits was proper and must stand. See Initial Decision at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(c). I agree.

Further, based upon the particular circumstances presented through the record of this case, the ALJ concluded that Petitioner's mental health issues left him without a realistic functional capacity to avoid the behaviors that contributed to his homelessness, and therefore, the Agency's imposition of a six-month period of ineligibility regarding Petitioner's receipt of EA benefits was improper, and must be reversed. See Initial Decision at 4-6; see also N.J.A.C. 10:90-6.1(c)(1)(iii), -6.3(c)(3). While I agree with the ALJ in this instance based upon the facts as presented, with respect to the imposition of the six-month EA ineligibility penalty, it must be stressed that although the regulations contemplate special treatment of someone suffering from a mental impairment, they do not contemplate continued EA benefits for an individual who is not taking part in required mental health programs, as directed, including anger management services. See N.J.A.C. 10:90-6.1(c)(1)(iii). Therefore, Petitioner is directed to provide the Agency with documentation concerning his current mental health services and treatment, as represented at the hearing. Additionally, Petitioner is put on notice that any further violation of his placement/shelter rules and/or noncompliance with his EA Service Plan will result in not only the termination of EA benefits, but also the imposition of a six-month period of ineligibility for EA benefits. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version. May 08, 2025

Natasha Johnson
Assistant Commissioner

