



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 **03960-25 M.F.**

AGENCY DKT. NO. **C083568018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and 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 had 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 7, 2025, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 10, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner had executed an SP, wherein he agreed, among other things, to conduct housing searches and to provide proof of such searches to the Agency, twice a week, and that the Agency had advised Petitioner multiple times of his requirement to provide proof of such searches. See Initial Decision at 2-3; see also Exhibit R-4, and N.J.A.C. 10:90-6.6(a). The record also reflects that Petitioner knew that he had an obligation to conduct and provide proof of housing searches, but that his mental and physical health issues prevented him from complying with that requirement. See Initial Decision at 3-4, 6. Based on the credible testimony of Petitioner, the ALJ found, and the record substantiates, that Petitioner's failure to comply with his obligation to conduct and provide housing searches may have stemmed from his mental and physical health issues, that the Agency had notice of his mental and physical health issues prior to its termination of Petitioner's EA benefits, yet the Agency failed to review with Petitioner the reason(s) for the termination, in an effort to determine if additional barriers may have prevented him from complying with his SP, as required by regulatory authority. See Initial Decision at 3-6, 9; see also Exhibit P-1, and N.J.A.C. 10:90-6.3(g). 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 5-7; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(g). Based on Petitioner's particular circumstances, I agree.

No Exceptions to the Initial Decision were received.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, the record reflects that Petitioner has exhausted his 12-month lifetime limit of EA benefits, plus available extreme hardship extensions. See Initial Decision at 2; see also Exhibit R-5, and N.J.A.C. 10:90-6.4(a), (b), (c). The record also reflects that Petitioner has a 12-month MED-1 form, and as such, Petitioner is advised that he may apply for an extension of EA benefits pursuant to the Emergency Assistance for Specific Groups pilot, also known as ("EASG"), which 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 Initial Decision at 2; see also Exhibits P-1, and N.J.S.A. 44:10-51(a)(3), DFD Instruction No. 25-02-01. The Agency is instructed to assist Petitioner with, and expedite, the application process.

By way of further comment, Petitioner is advised that he is required to engage in mental health services/treatment(s), and that such requirement 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 he shall be required to follow through with services to address those barriers for continued EA eligibility, as well as to comply with all other SP requirements, and that failure to do so may result in the termination of EA benefits, and the imposition of a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.6(a).

Also, by way of comment, Petitioner is advised that the Agency "shall determine" the most appropriate form of emergency housing required to address the needs of an EA recipient, taking into consideration Petitioner's needs and circumstance, which may include residential placement. See N.J.A.C. 10:90-6.3(a)(1). Petitioner is further advised that refusal to accept appropriate Agency offered placement may result in the termination of EA benefits, and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.1(c)(3).

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED.

Officially approved final version. March 20, 2025

Natasha Johnson
Assistant Commissioner

