



State of New Jersey

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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 17992-25 N.R.

AGENCY DKT. NO. **C398531007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she had failed to take reasonable steps to resolve her emergency and that her behavior caused the emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 21, 2025, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 24, 2025, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits to Petitioner.

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 AFFIRM the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner applied for EA benefits, in the form of shelter placement, which was denied by the Agency effective October 15, 2025. See Initial Decision at 1. Petitioner has been diagnosed with a serious mental health condition, and has refused to take her prescribed medication. See Initial Decision at 2. Petitioner was previously hospitalized for treatment of wounds and, during such hospitalization, refused attempts by medical professionals to take her prescribed mental health medications. Ibid. Petitioner was moved from the hospital to a rehabilitation facility during July, 2025, and while a resident there, refused to bathe or allow further wound treatment. Ibid. As a result of Petitioner's failure to comply with the rules at the rehabilitation facility, she was discharged at the end of August, 2025, at which time she occasionally stayed with a friend. Ibid. Petitioner sought EA benefits during October, 2025, at which time it was determined that her prior wounds had become infected, as well as that she was not bathing. Ibid. Due to Petitioner's refusal to bathe, as well as the wound infections, Petitioner now suffers from a potent body odor. See Initial Decision at 3. The Agency has previously offered medical treatment to Petitioner, either at their office or within the hospital, which has been refused. Ibid. The Agency contends that, if Petitioner received proper medical care and began to take her prescribed medication, that the Agency would be able to provide housing assistance. Ibid.

Based on the foregoing, the ALJ determined that EA benefits may be available for an applicant with a perceived lack of a realistic capacity to engage in advance planning, "where the [EA] applicant demonstrates functional incapacity, for example, evidence of alcohol or drug abuse, or a mental or cognitive impairment that would prevent them from planning for or securing substitute housing." See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Based on the testimonial evidence at the time of the hearing, the ALJ concluded that the Agency offered assistance to Petitioner in obtaining appropriate medical treatment for her physical wounds, as well as her mental health condition, and that



Petitioner refused any treatment as a direct result of her mental health condition. See Initial Decision at 5. The ALJ found that, due to Petitioner's refusal to accept assistance and her continued denial that there is anything wrong with her, Petitioner is highly unlikely to agree to any service plan ("SP") that would require engaging in appropriate mental health treatment. Ibid. Accordingly, the ALJ found that Petitioner's mental health issues directly impacted her refusal to accept any assistance from the Agency, which would allow the Agency to assist with her housing, and therefore, the Agency's denial of Petitioner's application for EA benefits was proper. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(1)(iii). I agree, and as such, based on Petitioner's particular circumstances, find that she may reapply for EA benefits, and the Agency shall assist her with such reapplication, as necessary. See Initial Decision at 5. Further, Petitioner is advised that should she accept the offered treatment, and thereafter be found eligible for EA benefits, she 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 her EA 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 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).

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

Officially approved final version. October 30, 2025

Natasha Johnson
Assistant Commissioner

