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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 **09209-25 T.G.**

AGENCY DKT. NO. **C102646015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits due to her failure to complete her redetermination for such benefits, and subsequently terminated her EA benefits due to no WFNJ eligibility. Thereafter, a second adverse action was issued regarding Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, with the Agency contending that she failed to comply with the terms of her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Prior to the first scheduled hearing date in this matter, Petitioner signed and submitted the documentation necessary to complete her WFNJ/GA redetermination and her WFNJ/GA benefits were reinstated. As a result, the hearing in this matter pertained solely to the May 20, 2025 adverse action issued by the Agency, where the Agency contends that Petitioner failed to comply with the terms of her EA SP. The matter was scheduled to be heard on July 14, 2025, however, Petitioner failed to appear and then called in late during other hearings. Based upon the Initial Decision, it appears the matter was conferenced and the Agency requested Petitioner sign a medical release allowing the Agency access to her treatment records from her mental/behavioral health provider. See Initial Decision at 2. The hearing was rescheduled for August 4, 2025, and then adjourned until August 18, 2025. On August 18, 2025, the matter was further adjourned until August 25, 2025. On August 25, 2025, the Honorable Mamta Patel, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents and the record was closed. The following day, hearing notices were sent to the parties to reopen the record on August 28, 2025. The record was reopened on such date, at which time Petitioner did not appear, and the ALJ closed the record without taking any additional testimony or documentary evidence. On September 2, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were received from Petitioner on September 11, 2025.

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.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed SP. Ibid. Failure to comply with the



requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

Here, the record reveals that Petitioner was approved for EA benefits on February 18, 2025, and provided with temporary housing in a motel. See Initial Decision at 4. Petitioner executed an EA SP on February 18, 2025, wherein she agreed, among other things, to remain drug and alcohol free, and wherein she was advised that failure to comply with her SP could affect her EA benefits eligibility. Ibid.; see also Exhibits R-4, R-5; and N.J.A.C. 10:90-6.6(a). On April 10, 2025, an Agency caseworker met with Petitioner at the motel to review an updated SP, which specifically required Petitioner to remain drug and alcohol free, to attend all medical and mental health appointments, and to stay compliant with her outpatient substance abuse treatment plan. See Initial Decision at 4; see also Exhibit R-6. On April 10, 2025, Petitioner informed the Agency worker that she had relapsed three weeks prior and the worker informed Petitioner she would return on April 17, 2025, with Petitioner's counselors to discuss a treatment plan. See Initial Decision at 5. On April 17, 2025, the Agency caseworker went to the motel but Petitioner was not at the motel. Ibid. At the time of the hearing, the Agency caseworker testified that Petitioner had not provided any attendance records or drug screenings from the outpatient program. Ibid. Petitioner testified that she participated in a peer mentoring program at the outpatient program, however, this program was only one component of her treatment plan. See Initial Decision at 5. On June 5, 2025, the outpatient program authored a Substance Abuse Discharge Report which indicated that Petitioner did not attend her 12-step recovery support group sessions as required, that Petitioner did not fully comply with attendance at group and individual treatment sessions, that Petitioner was using drugs and alcohol, and that Petitioner refused continuing/higher level care necessary to address her increased mental health symptoms. See Initial Decision at 7; see also Exhibit R-8. On June 24, 2025, the Agency was notified Petitioner had been discharged from the outpatient program due to her refusing a higher level of care. Ibid.; see also Exhibit R-7. On August 6, 2025, the Agency received drug screenings for Petitioner spanning from February 25, 2025, to May 15, 2025, which indicated numerous positive results for buprenorphine (a drug used in the treatment of opioid use) and marijuana, as well as a March 12, 2025 positive result for cocaine, and a March 17, 2025 positive result for alcohol. See Initial Decision at 5-6; see also Exhibit R-9.

During the August 18, 2025 hearing Petitioner informed the Agency, for the first time, that she had a prescription for buprenorphine, which was substantiated by a letter from a nurse practitioner who meets monthly with Petitioner. See Initial Decision at 6; see also Exhibits P-1, J-1. Petitioner further produced a letter from a physician dated August 21, 2025, however this physician is not Petitioner's treating physician, and while she opines as to why Petitioner uses marijuana, Petitioner does not have a prescription for marijuana. See Initial Decision at 6-7; see also Exhibit J-2. At the time of the hearing, Petitioner did not provide any evidence that she ever informed the Agency that she could not attend her treatment sessions due to issues with transportation, as she now claimed, nor that she needed to update her SP regarding her mandatory treatment activities. See Initial Decision at 7. The ALJ found that Petitioner has sufficient access to a phone and email to schedule appointments and receive/send emails. See Initial Decision at 7-8.

Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving that Petitioner had failed to comply with the requirements contained in her EA SP, with no good cause credibly shown, such that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 8-10; see also N.J.A.C. 10:90-6.1(c)(3)(ix), 6.6(a). I agree.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

By way of additional comment, because Petitioner has received continued assistance pending the outcome of this fair hearing, Petitioner is advised that her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of final 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.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version. October 23, 2025

Natasha Johnson
Assistant Commissioner

