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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 **10303-26 C.R.**

AGENCY DKT. NO. **S487035014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

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 failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 29, 2026, and continuing on June 30, 2026, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 1, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination, in part, and reversing the Agency's determination, in part.

Exceptions to the Initial Decision were filed by the Agency on July 6, 2026.

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determinations, 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).

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, threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents. See N.J.A.C. 10:90-6.3(c)(3). However, N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for other, less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e); see also DFD Instruction 08-5-4 at 10. An adult EA recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e) (1).

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, based upon an independent review of the record, Petitioner was approved for EA benefits on November 27, 2025, and thereafter he executed an EA SP on February 13, 2026, wherein he agreed, among other terms, to comply with all shelter/motel placement rules. See Exhibit R-1. Petitioner had been placed at a motel and on or about February 19, 2026, Petitioner requested to be moved to a different motel placement, which was accommodated by the Agency. Ibid. Thereafter, over the course of several months from February, 2026 through May, 2026, Petitioner was placed at five different motels, each of which indicated to the Agency that Petitioner was in violation of motel placement rules including having unauthorized visitors, engaging in disruptive behavior, playing loud music, and verbally arguing with motel staff, among other issues. Ibid. Subsequently, after having previously discussed the potential of an EA benefits termination with Petitioner several times after separate terminations, on April 14, 2026, the Agency sent Petitioner an EA termination notice and indicated that he would be ineligible for receipt of EA benefits for a period of six-months. Ibid.; see also N.J.A.C. 10:90-6.3(c).

At the time of the hearing, the ALJ found that the Agency had rejected a MED-1 form submitted by Petitioner's physician because the MED-1 had not been sent to the Agency from the physician's office, but rather, was provided directly from Petitioner to the Agency. See Initial Decision at 2. As to the imposition of the six-month ineligibility period, the ALJ reversed the Agency decision based upon the MED-1 which the ALJ found "partly explains petitioner's behavior." Ibid. The ALJ, however, found that the Agency was able to sustain its burden regarding the EA benefits termination. See Initial Decision at 3-4.

While I agree with the ALJ as to the finding that the EA termination was appropriate, I respectfully disagree with the ALJ regarding the six-month period of EA ineligibility imposed by the Agency. The ALJ in this matter makes a misplaced assertion that Petitioner should have been considered excused for his behaviors based upon a MED-1 form, which he concludes was solely rejected due to the Petitioner providing same to the Agency. It should be noted that it is the policy of DFD, and applicable to the County Social Service Agencies ("CSSAs") who administer the Work First New Jersey program, that CSSAs are only to accept MED-1 forms that are submitted directly from a physician. See DFD Instruction ("DFDI") No. 24-05-02. Therefore, I find that the Agency properly rejected the MED-1 submitted directly to the Agency by the Petitioner in this matter. Furthermore, the record in this case clearly establishes that the Agency counseled and warned Petitioner, after his second and third motel terminations, that continued failure to abide by motel rules would result in the termination of his EA benefits and imposition of a six-month period of ineligibility for EA benefits. See Exhibit R-1. Moreover, it is clear that Petitioner failed to comply with a number of requirements contained in the executed EA SP, with no good cause credibly shown. Ibid. As such, I find that the Agency's termination of Petitioner's EA benefits, as well as the imposition of a six-month EA ineligibility penalty, were proper and must stand. See N.J.A.C. 10:90-6.3(c), -6.6(a); see also Exhibit R-1. The Initial Decision is modified to reflect the above findings.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. July 15, 2026

Natasha Johnson
Assistant Commissioner

