



State of New Jersey

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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 16901-25 F.P.

AGENCY DKT. NO. **S981380009 (HUDSON COUNTY DEPT OF FAM SVCS)**

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 she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for an emergent hearing on October 1, 2025, however, at that time Petitioner had shelter, and the matter was instead conferenced on October 2, 2025, October 6, 2025, and October 10, 2025, prior to a hearing being held. On October 16, 2025, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. At the conclusion of the hearing, the record was held open to allow for the submission of additional evidence and closed on November 7, 2025. On November 21, 2025, the ALJ issued an Initial Decision, reversing the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, following an independent review of the record, I hereby MODIFY the Initial Decision and MODIFY 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). 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.

Only WFNJ cash assistance recipients and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reveals that Petitioner was residing at a New Jersey shelter through May 10, 2025, at which time she was banned from the shelter and, on or about May 16, 2025, began frequenting a shelter in New York. See Initial Decision at 3-4. On June 24, 2025, the Agency issued a shelter voucher for a Union City shelter, however, Petitioner failed to appear at the shelter placement. See Initial Decision at 4. On September 24, 2025, the Agency was notified that Petitioner was residing at a shelter in New York and issued a Notification Form to Petitioner, indicating that her EA benefits had been terminated due to: 1) Petitioner's refusal of all shelter and hotel placements, 2) Petitioner's failure to comply with



her EA SP by not submitting employment and housing searches, and not applying for affordable/subsidized housing, and because 3) Petitioner had moved out of county. See Initial Decision at 4. The Agency further imposed a six-month EA ineligibility period. Ibid.; see also N.J.A.C. 10:90-6.1(c)(3), -6.6(a), and DFDI No. 08-5-4.

The ALJ, in a thorough and comprehensive decision, determined that it was “open and obvious that [Petitioner] suffers from a ‘suspected mental illness.’” See Initial Decision at 9; see also Exhibit C-6. Further, the ALJ found that Petitioner’s testimony “not only lacked credibility, but demonstrated a delusional thought pattern and a lack of any insight into the root causes of her life circumstances.” See Initial Decision at 9. Thus, based on the particular circumstances presented through the record of this case, the ALJ concluded that Petitioner’s mental health issues left her without a realistic functional capacity to avoid the behaviors that contributed to her homelessness, and therefore, the Agency’s termination of Petitioner’s EA benefits, and the 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 10-11; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c)(1)(iii), -6.3(c)(3), -6.3(g). While I agree with the ALJ’s conclusion, I note that the records of this office reflect that, as of December 1, 2025, Petitioner is no longer receiving Work First New Jersey/General Assistance (“WFNJ/GA”) benefits because her whereabouts are unknown and she could not be located, and thus, Petitioner is ineligible for the receipt of EA benefits. See N.J.A.C. 10:90-6.2(a). The Initial Decision, and underlying Agency’s determinations, are modified to reflect this finding.

Further, the ALJ determined that the Petitioner should be referred for a mental health evaluation. See Initial Decision at 11. Again, based on the record presented, I agree with the ALJ and as such, should Petitioner return to New Jersey, reapply for WFNJ/GA benefits and be found eligible for same, she will be required to comply with an assessment and any determinations resulting from such evaluation. Further, as a result of such evaluation, if Petitioner should be required to engage in mental health services/treatment(s), those requirements shall be incorporated into Petitioner’s EA SP, as well as any Work First New Jersey Individual Responsibility Plan (“IRP”). 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 she will be required to follow through with services to address such barriers for continued EA eligibility, as well as to comply with all other SP requirements, and that failure to do so will 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). The Initial Decision is further modified to reflect these findings.

By way of comment, I note that an independent review of the records of this office indicate that Petitioner previously rejected any mental health evaluation/assessment and services.

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

Officially approved final version. January 29, 2026

Natasha Johnson
Assistant Commissioner

