



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 **08843-26 J.T.**

AGENCY DKT. NO. **C066765006 (CUMBERLAND COUNTY BD OF SOC SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that had 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. On June 4, 2026, the Honorable Advia Knight Foster, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 5, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, 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 determination, based on the discussion below.

EA is a supportive service designed 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. See N.J.A.C. 10:90-6.1(a). EA recipients are required to develop and sign an EA service plan with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the service plan, without good cause, shall result in termination of EA benefits and a six-month period of EA ineligibility. *Ibid.*

Consistent with the WFNJ regulations, the goal of the Family Violence Option Initiative ("FVO") is to transition WFNJ recipients, who are victims of domestic violence, "from dependency on WFNJ [...] cash assistance benefits to employment and self-sufficiency." N.J.A.C. 10:90-20.1(a). The FVO allows an individual to request the waiver of WFNJ program or time-limit requirements. See N.J.A.C. 10:90-20.1(b), and -20.4(a)(7). The FVO does not authorize the provision of WFNJ benefits indefinitely based on an individual's history of domestic violence. See DFD Instruction ("DFDI") 12-12-05 (expressing that FVO "grants 'good cause' temporary waivers of WFNJ program requirements to [WFNJ] applicants/recipients"). Any waiver under the FVO is based on need as determined by a risk assessment. See N.J.A.C. 10:90-20.2(a)(2)(iv), -20.6, -20.8 and DFDI 12-12-05. An individual is re-evaluated for their continued need for a waiver at least every six months or sooner depending on an individual's circumstances. See N.J.A.C. 10:90-20.8(c).

Here, the record reflects that on September 9, 2025, Petitioner applied to Agency for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and EA benefits for herself and her then six children. See Initial Decision at 2. On October 16, 2025, Petitioner was sent for an FVO risk assessment due to verbal and physical abuse from ex-boyfriend during 2009-2022, and then up to June, 2025, when the ex-boyfriend was incarcerated on unrelated charge.



Ibid. At that time, the Agency wanted to place at a county shelter, however, the ex-boyfriend's brother worked at the shelter, making that placement not a viable option. Ibid. On October 20, 2025, the FVO waiver approved, thereby allowing Petitioner to obtain housing away from the abuser. Id. at 2-3. On December 16, 2025, Petitioner signed an EA SP, requiring, amongst other things, that she apply for Social Security benefits for two of her children, and filing a 2025 income tax return. Id. at 3. On February 18, 2026, Petitioner reported that she was employed, after which the Agency requested wage verification. Ibid. On March 10, 2026, Petitioner goes to the Agency, and with the assistance of a social worker, starts an online application for one son, but leaves before completing the application, and does not start an application for the other son. Ibid. On April 2, 2026, the Agency issues warning letter to Petitioner that she must complete both Social Security applications by April 13, 2026. Ibid. On April 16, 2026, the Agency requests status of Petitioner's 2025 tax filing. Ibid. On April 20, 2026, Petitioner submits IRS 1040 tax form, indicating tax refund of \$3,628, but claims refund was intercepted, however, the Agency confirms that federal and state refunds were direct deposited into Petitioner's bank account on March 25, 2026. Id. at 3-4. On April 28, 2026, client provided verification of wages, months after the initial verification request, thereby delaying an accurate eligibility determination. Id. at 4.

On May 1, 2026, the Agency issued an Adverse Action notice terminating Petitioner's EA benefits, effective June 1, 2026, for failing to provide verified completion of Social Security applications for two children, failing to provide documentations to verify disposition of Petitioner's state and federal tax refunds, and failing to timely verify earned income. Ibid. On May 29, 2026, Petitioner informed Agency that the ex-boyfriend would be released from prison June 5, 2026 and the Agency informed her that her FVO waiver had expired. Ibid.

The ALJ in this matter found that Petitioner's EA benefits should not be terminated, as she was facing physical threat of harm with the ex-boyfriend being released from incarceration, and ordered a new FVO assessment, due to the expiration of the previous waiver. Id. at 6. While I agree, that a new emergency has presented itself, and that Petitioner should be sent for a new FVO assessment, I disagree that the Agency's EA termination was improper, as I find that Petitioner clearly had not complied with the terms of her EA SP. As such, the Agency's EA benefits termination stands as issued. However, Petitioner may reapply for EA benefits on the basis that a new emergency has presented itself. The Agency is to expedite said application and to refer Petitioner for a new FVO assessment, also on an expedited basis. Based upon the new FVO assessment, the six-month EA ineligibility penalty may be waived. See N.J.A.C. 10:90-6.3(i). The Initial Decision is modified to reflect these findings.

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

Officially approved final version. July 01, 2026

Natasha Johnson
Assistant Commissioner

