



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 17626-25 L.D.

AGENCY DKT. NO. C081851003 (BURLINGTON COUNTY BD. OF SOC. 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 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 February 4, 2026, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 18, 2026, the ALJ issued an Initial Decision, reversing the Agency's determinations.

Exceptions to the Initial Decision were received from the Agency on February 26, 2026.

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 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.

Here, the record reveals that Petitioner applied for EA benefits on March 25, 2025, and entered into an EA SP, wherein he agreed, among other things, to conduct ten housing searches each month, be assessed by the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") and enroll in a mental health program, and provide verification of participation in SAI/BHI, as well as attending all scheduled appointments with the Agency. See Initial Decision at 2; see also Exhibit R-A, R-B. The EA SP further advised that failure to comply with his SP could affect his EA benefits eligibility. Ibid.; see also N.J.A.C. 10:90-6.6(a). Petitioner also received an EA verification letter on March 25, 2025, which included many of the same terms. See Initial Decision at 3; see also Exhibit R-B. Thereafter, the SAI/BHI referral for Petitioner was completed and on April 1, 2025, the Agency received information that Petitioner had completed the SAI/BHI assessment and agreed to continue treatment. See Initial Decision at 3; see also Exhibit R-D. Of note, the Referral Response Form

indicated this would be Petitioner's "11th episode of care with SAI/BHI". Ibid. On April 15, 2025, the Agency received notice that Petitioner's SAI/BHI case was closed, as he failed to sign and return the releases sent to him or to respond to



follow-up phone calls. Ibid. On June 12, 2025, an additional SAI/BHI Referral Response Form was received, stating that Petitioner's case was closed, as he failed to respond to outreach and the case worker was unable to confirm that he was engaged in treatment. See Initial Decision at 4; see also Exhibit R-F.

Separately, the Agency received information from a hospital system that Petitioner was seen on May 14, 2025, for "methamphetamine use disorder," with a follow-up scheduled for May 19, 2025, which he did attend as confirmed by a provider's letter on May 21, 2025. See Initial Decision at 3; see also Exhibit R-E. The provider also confirmed that Petitioner was seen on July 28, 2025. See Initial Decision at 3; see also Exhibit R-G.

On August 1, 2025, the Agency requested Petitioner submit his housing searches from May, 2025 through August 1, 2025. See Initial Decision at 4; see also Exhibit R-H. Petitioner did submit documents via email on August 5, 2025, which were acknowledged by the Agency, however, the Agency responded to advise Petitioner that all of the documents were illegible. See Initial Decision at 4; see also Exhibit R-J.

On August 25, 2025, Petitioner also failed to meet with his Agency social worker. See Initial Decision at 4; see also R-J.

On August 27, 2025, the Agency sent Petitioner an EA termination notice, indicating that his benefits would terminate effective September 30, 2025, as he failed to comply with the terms of his SP. See Initial Decision at 4; see also Exhibit R-K. Further, the Agency was imposing a six-month penalty from receipt of EA benefits. Ibid.

Following the termination of benefits, on October 2, 2025, Petitioner obtained a letter from his medical provider explaining various physical and mental conditions for which he was under her care. See Initial Decision at 4; see also Exhibit P-B. On January 29, 2026, Petitioner obtained a letter from an additional medical provider indicating he was being treated for a substance-abuse disorder, and has been a patient of her practice since June 1, 2022 with an "ongoing" plan of care. See Initial Decision at 5; see also Exhibit P-C.

The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-14. Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving that Petitioner had failed to establish compliance with Petitioner's SP, and as such, the termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 11-12; see also N.J.A.C. 10:90-6.6(a). I agree.

Nevertheless, the ALJ found that Petitioner's failure to comply may have stemmed from his mental health and/or substance abuse issues, that the Agency had notice of such issues, and that the Agency had failed to prove that it had considered Petitioner's mental health and/or substance abuse barriers prior to its termination of his EA benefits, as required by regulatory authority. See Initial Decision at 11-12; see also N.J.A.C. 10:90-6.3(g). Based on the foregoing, the ALJ concluded that Petitioner had proven a good cause basis for his failure to comply with his SP, which led to the termination of EA, and as such, the Agency's imposition of a six-month EA ineligibility penalty, was improper and must be reversed. See Initial Decision at 11-14. The ALJ concluded that Petitioner "be given a final opportunity to provide documentation of a long-term medical or psychological problem sufficient to permit an EA extension of admission into a long-term support program." See Initial Decision at 13. Based upon this conclusion, and the fact that the medical documentation in the record occurred after the termination of EA benefits, the ALJ ordered that Petitioner obtain a psychiatric examination and/or memory assessment before the termination of EA benefits in order to determine if his failure to comply with his SP was related to any mental disability.

Based on Petitioner's particular circumstances presented at the time of the hearing, I agree, and note that a more recent physical and psychological evaluation is warranted, and also emphasize that Petitioner should understand that this is his final chance to comply with any determinations resulting from such evaluation. As such, I direct that an expedited evaluation be conducted to determine if Petitioner's non-compliance with the SP was by reason of good cause. Further, as a result of such evaluation, should Petitioner be required to engage in mental health services/treatment(s), those requirements shall be incorporated into Petitioner's 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 he 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 and the Agency's determination are both modified to reflect these directives.

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



Officially approved final version. April 09, 2026

Natasha Johnson
Assistant Commissioner

