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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 **00253-26 M.B.**

AGENCY DKT. NO. **S642014012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) and 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 her emergency was not beyond her control, as she had engaged in a violent physical altercation, and as such, had caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing as an emergent contested case. Of note, the issue concerning the termination of WFNJ/TANF benefits was settled prior to the hearing in this matter. On January 15, 2026, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On January 16, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

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 MODIFY the Agency's determination, based on the discussion below.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement, such as a hotel/motel, when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, possessing a weapon or an instrument used as a weapon, or engaging in 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)(1), and -6.3(c)(3).

Here, Petitioner applied for EA benefits on July 10, 2024, and after two prior motel placements, was placed at a third motel on May 29, 2025. See Initial Decision at 3. The record reflects that Petitioner signed an EA service plan ("SP") and Addendum on May 23, 2025, wherein she agreed, among other things, to comply with all rules and regulations of her housing placements. See Initial Decision at 3; see also Exhibit R-1. On December 3, 2025, the Agency was advised by motel management that Petitioner had physically assaulted another motel guest. See Initial Decision at 3. Thereafter, the Agency investigator performed an investigation of the incident, including reviewing video of the altercation, as well as the relevant police report, and, based upon the investigation, on December 17, 2025, the Agency terminated Petitioner's EA benefits. See Initial Decision at 3; see also Exhibit R-4, R-5, and R-9. Relevant to this matter, the video and investigation materials showed Petitioner repeatedly engaging in physical violence, as well as using a shoe as weapon. See Initial Decision at 3; see also Exhibit R-5. Based upon the violent altercation, Petitioner was arrested by law enforcement, and spent three nights in jail. Ibid.



The ALJ found, and the record substantiates, that Petitioner's EA benefits were terminated for violating motel rules by engaging in threatening/disruptive actions, specifically, engaging in a violent physical altercation with another motel guest on December 3, 2025. See Initial Decision at 5; see also Exhibit R-5. Further, Petitioner was issued a six-month EA ineligibility penalty based upon the termination. Ibid. Based on the foregoing, the ALJ concluded that Petitioner had engaged in disruptive and violent behaviors at her EA motel placement, and therefore, the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month period of EA ineligibility, were proper and must stand. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(c). While I agree with the ALJ's ultimate conclusion, both the Initial Decision and Agency's adverse action notice are modified with respect to the correct applicable legal bases in this matter, specifically N.J.A.C. 10:90-6.3(c)(1), (3).

By way of comment, as Petitioner has received continued benefits pending the outcome of this fair hearing, Petitioner's six-month EA ineligibility penalty shall begin to run upon issuance of this Final Agency Decision.

By way of further 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, if it has not already done so.

By way of final comment, the record in this matter reflects that Petitioner has exhausted her 12-month lifetime limit of EA benefits and two six-month hardship extensions. See Exhibit R-10 and N.J.A.C. 10:90-6.4.

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

