



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*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 **21231-25 M.F.**

AGENCY DKT. NO. **S443538014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

The record in this matter reflects that Petitioner requested a fair hearing regarding the Agency's calculation of her contribution of thirty percent of her total household income toward payment of her Emergency Assistance ("EA") shelter placement pursuant to N.J.A.C. 10:90-6.5. On April 28, 2026, and on May 27, 2026, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On May 27, 2026, the ALJ issued an Initial Decision, ordering the matter dismissed, without prejudice.

Exceptions to the Initial Decision were received from Petitioner on June 10, 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 ADOPT the ALJ's Initial Decision, and DISMISS the matter, based on the discussion below.

Pursuant to N.J.A.C. 10:90-9.3(a), an applicant/recipient may request a fair hearing when he/she is adversely affected by an Agency action. Agency actions which adversely affect an applicant or recipient include any action, inaction, refusal of action, or unduly delayed action with respect to program eligibility, including denial, termination or suspension of benefits. See N.J.A.C. 10:90-9.3(b) ("County or municipal agency actions which adversely affect an applicant or recipient include any action, inaction, refusal of action, or unduly delayed action with respect to program eligibility, including denial, termination or suspension of benefits, adjustment in the level of benefits or work requirements, or designation of a protective payee.").

Based upon a prior Final Agency Decision ("FAD") issued on June 10, 2025, Petitioner and the Agency were encouraged to discuss the reevaluation of expenses which may be taken into consideration when calculating Petitioner's thirty percent contribution toward her shelter expenses, in light of N.J.A.C. 10:90-6.5(a)(1)(i). Thereafter, if the parties were unable to agree on the applicable expenses which could reduce Petitioner's regulatory contribution, Petitioner was without prejudice to request a fair hearing on that issue. However, the Agency made no determination, nor denial, regarding such expenses, and had requested additional information from Petitioner. See Initial Decision at 2. Petitioner filed a request for a fair hearing prior to the Agency taking action on such expense considerations. Ibid.

Based on the foregoing and the record presented in this case, the ALJ found, and I agree, that, in accordance with N.J.A.C. 10:90-9.3(b), there is no actionable adverse action in the present matter, and as such the matter is not ripe for a fair hearing. See Initial Decision at 2-3; see also N.J.A.C. 10:90-9.3(b). As such, the ALJ dismissed the matter without prejudice. See Initial Decision at 3. Again, I agree.



By way of comment, in her Exceptions, Petitioner requests a determination as to the appropriateness of certain submitted expenses to reduce the thirty percent payment towards her EA shelter expenses. As this matter has been determined not ripe for adjudication, for the reasons outlined above, it would be improper to render any such determination at this time without the County Social Service Agency having first made a finding of such applicability, or to consider any further arguments asserted in Petitioner's Exceptions.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and, I deem the matter DISMISSED, without prejudice.

Officially approved final version. July 16, 2026

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Natasha Johnson  
Assistant Commissioner

