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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 **00749-26 M.P.**

AGENCY DKT. NO. **C157188003 (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. This matter was initially scheduled for a hearing on April 29, 2026, at which time Petitioner requested an adjournment to obtain counsel, which was granted. On May 28, 2026, the Honorable Gauri Shirali Shah, 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 additional submission of documents and closed on May 29, 2026. On June 8, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination as to the termination of EA benefits.

Exceptions to the Initial Decision were received from Petitioner's counsel on June 23, 2026.

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 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.* (emphasis added).

Here, the ALJ found, and the record substantiates, that Petitioner, a Supplemental Security Income ("SSI") benefits recipient, applied for, and has been in receipt of EA benefits since July, 2019, when he was initially placed by the Agency in a motel placement. See Initial Decision at 3; see also Exhibits P-4, P-5. Petitioner has entered into several EA SPs, the most recent of which he completed on October 1, 2025, wherein he agreed, among other things, to submit monthly proof of unduplicated housing searches, to apply for permanent affordable housing, and to present the Agency with an affordable housing rental option by December 1, 2025. See Initial Decision at 3-4; see also Exhibits R-1, R-3, R-4, P-9. Within each and every EA SP, Petitioner was advised that his failure to comply with the SP may result in the termination of EA benefits. *Ibid.*; see also N.J.A.C. 10:90-6.6(a).



Petitioner previously failed to submit housing searches from February, 2025, through at least May, 2025, which he was advised of via notification from the Agency on June 2, 2025. See Initial Decision at 4; see also Exhibit R-2. At the time of the hearing, Petitioner presented documentary records of housing searches from 2019 through May, 2026, however, the ALJ found that the housing search documents failed to provide information about when the searches were provided to the Agency. See Initial Decision at 4; see also Exhibit P-10. Further, Petitioner failed to produce the December, 2025 housing searches upon which the Agency's termination was based. Ibid. On December 18, 2025, the Agency sent Petitioner notification that his housing searches had not been received by December 15, 2025, as required by his EA SP, and reminded him to make an appointment with the Agency to present a rental by December 31, 2025. See Initial Decision at 4-5; see also Exhibit R-5. At the time of the hearing, Petitioner did submit a facsimile confirmation from December 18, 2025, the same day he received his EA termination notification, from the motel placement to the Agency. See Initial Decision at 6; see also Exhibit P-14.

On December 18, 2025, the Agency also sent Petitioner a termination notification advising him that his EA benefits would terminate on January 18, 2026, for failure to produce his December, 2025 housing searches and for failure to present a rental to the Agency. See Initial Decision at 5; see also Exhibit R-6. The termination notification further indicated that the prior years of motel placements had not assisted him in gaining self-sufficiency, a goal of the EA benefits program, and that the Agency had determined it would be best for Petitioner to be housed in a group or transitional housing placement. Ibid. At the time of the hearing, Petitioner testified that he did not wish to be placed in group or transitional housing for various reasons which referenced both his own opinions as well as physical and mental health issues. See Initial Decision at 5. Petitioner did submit some outdated medical documentation, as well as more recent physician correspondence indicating that he should not be placed in a group housing setting due to his physical and mental health issues. See Initial Decision at 5-6; see also Exhibits P-2, P-3, P-8. Of note, the more recent letters from Petitioner's physician were dated after the EA termination notice (one from January 5, 2026, and the other from April 6, 2026) in this matter, and as such, the Agency was unable to consider same prior to their termination of EA benefits. See Initial Decision at 6.

Based upon the testimonial and documentary considered, the ALJ found that Petitioner failed to submit the required housing searches to the Agency by December 15, 2025, (as they were faxed on December 18, 2025), that Petitioner failed to present the Agency with an affordable rental unit by December 1, 2025, as required by the EA SP, or by December 31, 2025, as allowed by the extension afforded to him by the Agency. See Initial Decision at 7. Further, the ALJ found that Petitioner has not presented any rental to the Agency between the date of the EA termination in this matter and the date of the fair hearing, which afforded Petitioner an additional five months to comply with the terms of his October 1, 2025 EA SP. Ibid. Accordingly, the ALJ found, and the record reflects, that Petitioner failed to comply with various requirements contained in his SP. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.6(a). Petitioner was notified of his noncompliance with his SP, and provided time to cure the reasons for his intended termination, which he failed to do. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, was proper and must stand. See Initial Decision at 7-9. I agree.

Additionally, a review of the December 18, 2025 termination notice indicates that the Agency relied upon applicable regulatory authority in N.J.A.C. 10:90-6.1(c)(1)(ii), as well as N.J.A.C. 10:90-6.6(a). The Agency's reliance upon N.J.A.C. 10:90-6.1(c)(1)(ii) appears misplaced as that portion of the regulations is related to a lack of realistic capacity to plan related to the exhaustion of liquid resources. I note that the years of prior SPs include language that put Petitioner on notice regarding the imposition of a six-month period of EA ineligibility for failing to comply with the terms of the SP. See Exhibit P-9. For an unknown reason, the Agency's termination in this matter states, on the second page, "Please note, two or more instances to follow the service plan results in a 6-month penalty. This appears to be your first instance." See Exhibit R-6. It should be noted that this statement is wholly inaccurate. Further, the ALJ incorrectly states within different portions of the Initial Decision that no EA penalty/period of ineligibility shall apply to Petitioner, which is in contradiction to the plain language of the regulation, unless there is good cause having been shown. See N.J.A.C. 10:90-6.6(a).

Therefore, with respect to the imposition of a six-month period of ineligibility for EA benefits, as I agree with the ALJ's conclusion, that the EA termination was proper, Petitioner should be subject to said ineligibility period. Ibid. However, I further find that, in relevant part, a lack of realistic capacity to plan exists where the assistance unit, here Petitioner, demonstrates functional incapacity, such as a mental or cognitive impairment that would prevent them from planning for or securing substitute housing. See N.J.A.C. 10:90-6.1(c)(1)(iii). Based upon the documentation received subsequent to the termination notice in this matter, the record clearly indicates that Petitioner has mental, and physical, health issues, and, as a result of those issues, it is reasonable to conclude that Petitioner lacked the functional capacity to avoid the behaviors which lead to Petitioner becoming homeless, in this instance, the non-compliance with his EA SP. As such, I find that Petitioner has presented good cause and shall not be subject to the six-month period of ineligibility for EA benefits at the present time and therefore, Petitioner may reapply for EA benefits immediately, if he has not already done so. See N.J.A.C. 10:90-6.6(a). Petitioner is advised, however, that any continued failure to comply with his EA SP may



result in another termination of EA benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Initial Decision and the Agency's determination are both modified to reflect these findings.

By way of comment, Petitioner is advised that it is the Agency who shall determine the most appropriate form of housing necessary to address his individual circumstances and the recommendations of his physician. See N.J.A.C. 10:90-6.3(a) (1). The Agency shall take into consideration Petitioner's particular circumstances, as referenced within the documentary record in this matter, and by his counsel in the submitted Exceptions.

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

Officially approved final version. July 30, 2026

Natasha Johnson
Assistant Commissioner

