



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 **18672-25 N.H.**

AGENCY DKT. NO. **S673353012 (MIDDLESEX 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 20, 2026, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 27, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from counsel for Petitioner on March 5, 2026. Cross-Exceptions were received from the Agency on March 9, 2026.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, 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 substantiates that Petitioner applied for EA benefits on May 27, 2025, was placed on an immediate need basis, and subsequently, on August 19, 2025, executed an EA SP and EA Verification List, wherein he agreed, among other things, to submit weekly proof of housing searches, to submit proof of weekly employment searches, to provide an affidavit, to provide a statement from his mother, and to follow-up on housing offered by the Agency. See Initial Decision at 2; see also Exhibits R-1, R-3, R-4, and N.J.A.C. 10:90-6.6(a). In addition, on May 27, 2025, Petitioner was referred to the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") for an assessment. See Exhibit R-2. On August 18, 2025, the Agency was informed by the SAI/BHI case worker that Petitioner's SAI/BHI case was closing as he had failed to attend two intake appointments. See Exhibit R-5. On September 25, 2025, the Agency closed Petitioner's EA benefits, effective October 25, 2025, and imposed a six-month period of ineligibility for receipt of EA benefits. See Exhibit R-6.



The ALJ found that Petitioner failed to comply with a number of requirements contained in his SP, with no good cause credibly shown. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.6(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand, specifically noting in his findings, in reference to Petitioner, "No proof of learning disabilities," and imposing a six-month period of EA benefits ineligibility pursuant to N.J.A.C. 10:90-6.6(a). See Initial Decision at 3-4.

While I agree with the ALJ that Petitioner did, in fact, violate his SP, an independent review of the record indicates that Petitioner attempted to comply with the submission of housing logs, albeit late, by submitting such logs via fax on November 7, 2025, which included searches beginning in September, 2025. See Exhibit P-2. A physician's appointment occurred after the date of the EA termination in this matter, and as such, I find that based on the information available to the Agency at the time of the EA termination, said termination was proper. Nonetheless, the result of the examination cannot be ignored in the context of considering good cause for Petitioner's failure to comply with the terms of his SP. See N.J.A.C. 10:90-6.6(a). Specifically, on November 20, 2025, a physician completed a MED-1 form indicating that Petitioner was Permanently Disabled for the Purpose of a Work Activity, noting that he had a "developmental disorder of scholastic skills" and "chronic PTSD." See Exhibit P-1. Based upon this diagnosis, it is reasonable to believe that the developmental disorder existed at the time of the execution of the SP in this matter, and that same may have affected Petitioner's ability to comply with the terms set forth therein. Further, the requirement for the submission of weekly employer search logs was premised upon the understanding that Petitioner was employable, but now it is clear that he has an approved medical deferral, effective November 22, 2025.

Based upon these particular circumstances, I find that the medical conditions certified to by the November, 2025 MED-1 would have provided good cause for Petitioner's failure to comply with the SP. The foregoing makes it evident that Petitioner's failure to comply with his obligation to comply with his EA SP may have stemmed from his mental health issues. See N.J.A.C. 10:90-6.3(g). Accordingly, I further find that the imposition of a six-month EA ineligibility penalty is improper in this matter and must be reversed, as Petitioner has shown good cause for his failure to comply. See N.J.A.C. 10:90-6.3(g). The Initial Decision and Agency's determinations are both modified to reflect these findings.

Therefore, as I find that the Agency's termination of EA was appropriate at the time it was issued, Petitioner may reapply for EA benefits immediately, if he has not already done so, and the Agency shall process such application on an expedited basis.

By way of comment, Petitioner is advised that he is required to engage in mental health services/treatment(s), and that such requirement shall continue to be incorporated into his 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 shall 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 may 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).

By way of further comment, for the benefit of the Agency, I note that replies to exceptions or cross-exceptions are not permitted in DFD hearings. See N.J.A.C. 1:10-18.2.

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

Officially approved final version. April 23, 2026

Natasha Johnson
Assistant Commissioner

