



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 **21204-25 R.F.**

AGENCY DKT. NO. **C090666015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she refused appropriate housing offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. This matter was initially scheduled for December 17, 2025, at which time Petitioner requested an adjournment, which was granted. On December 23, 2025, the Honorable Claudia L. Marchese, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 24, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

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.

Pursuant to N.J.A.C. 10:90-6.3(a)(1), the "agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." Such emergency housing may include placement in a shelter. *Ibid.*

EA benefits shall not be provided for a period of six months when an applicant/recipient "has caused his or her own homelessness, without good cause." See N.J.A.C. 10:90-6.1(c)(3).

Pursuant to N.J.A.C. 10:90-9.1(b), an Agency must provide both adequate and timely notice advising of a termination, denial or suspension of welfare benefits. Adequate notice is a written notice outlining the intended action, the reasons for the action and the specific regulatory provisions supporting the intended action. N.J.A.C. 10:90-9.1(a)(1).

Here, Petitioner applied for and received EA in the form of a motel placement by the Agency. See Initial Decision at 2. On December 9, 2025, the motel placement advised the Agency that Petitioner was involved in an argument in her room which led to the involvement of law enforcement. *Ibid.*; see also Exhibit R-2. Following the incident, Petitioner informed her Agency case worker that the argument had become physical, as her significant other was violent, and that she had been injured. See Initial Decision at 2. Thereafter, the Agency referred Petitioner to a domestic violence ("DV") safe house to be assessed. *Ibid.* Following the assessment, the DV safe house accepted Petitioner as a resident, however, Petitioner refused the placement, indicating that she feared losing her belongings. See Initial Decision at 2-3.



The Agency informed Petitioner that her refusal would result in the termination of her EA, yet Petitioner continued to refuse the placement. See Initial Decision at 3; see also Exhibit R-3. At the time of the hearing, Petitioner testified that she would accept the previously offered placement, however, the Agency indicated that the placement was no longer willing to accept Petitioner. See Initial Decision at 3.

Based on the testimony and record presented, the ALJ concluded that Petitioner had refused the shelter placement offered by the Agency, without good cause, which placement was the appropriate form of benefits to meet Petitioner's emergent need based on the presented facts, and as such, the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a)(1). I agree.

With respect to the Agency's intention to impose a six-month EA ineligibility penalty in this matter, I note that the adverse action notice in the record is devoid of any indication of the intention to impose a six-month period of ineligibility for EA benefits, nor does it contain a specific regulatory subsection for the imposition of such penalty. See Exhibit R-1 at 4. Accordingly, I find that the Agency's notice does not meet the regulatory requirement of providing adequate notice to impose a six-month ineligibility penalty for EA benefits and as such, no six-month EA ineligibility penalty shall be imposed. See N.J.A.C. 10:90-9.1(a)(1). Moreover, given the particular circumstances of this case, and Petitioner's presentation at the hearing, specifically that Petitioner "recognizes the gravity of her circumstances and the requirements of EA," I find that the imposition of a six-month EA ineligibility penalty is not appropriate at this time. See Initial Decision at 4. The Initial Decision and the Agency's adverse action are both modified to reflect these findings.

By way of comment, Petitioner may reapply for EA benefits, but is advised that it is the Agency who shall determine the most appropriate form of housing necessary to address her emergency and individual circumstances. See N.J.A.C. 10:90-6.3(a)(1). Petitioner is further advised that if she again refuses appropriate placement offered by the Agency, she may again be denied EA benefits, and a six-month period of ineligibility for EA benefits may be imposed. See N.J.A.C. 10:90-6.1(c)(3).

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

Officially approved final version. January 08, 2026

Natasha Johnson
Assistant Commissioner

