



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **04574-25 J.O.**

AGENCY DKT. NO. **C304525020 (UNION COUNTY DIVISION 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") and violated shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 1, 2025, Petitioner requested an adjournment to obtain counsel, which was granted and the hearing rescheduled for August 7, 2025. On that date, Petitioner's aunt called into the hearing and requested another adjournment, which was denied, and a telephone prehearing conference was conducted. In order to accommodate a testifying witness, the hearing was rescheduled for August 12, 2025. On August 12, 2025, the Honorable Andrea Perry Villani, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On August 13, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, Petitioner applied for EA benefits on November 6, 2024, entered into an EA SP, and was placed by the Agency at a shelter on December 12, 2024, at which time an additional EA SP was executed. See Initial Decision at 2; see also Exhibits R-1, R-2. On February 26, 2025, staff at the shelter contacted police due to Petitioner using foul language and making disrespectful remarks, and Petitioner was removed from the shelter. See Initial Decision at 2; see also Exhibits R-3, R-4. On March 3, 2025, the Agency placed Petitioner at a different shelter, and on March 31, 2025, staff at that shelter contacted the police for assistance due to Petitioner's behavior and yelling at staff. See Initial Decision at 3; see also Exhibit R-5. On April 2, 2025, Petitioner was placed at a third shelter, where he has since been residing. *Ibid.* At the time of the hearing, Petitioner testified that he has special needs and is diagnosed as bipolar. *Ibid.* The record further indicated that Petitioner has a "history of manic episodes, mood instability, anger, and insomnia." *Ibid.*; see also Exhibits P-1, P-2. Petitioner testified that he has been doing well living in the third shelter, where he has been for several months without incident, and he has been attending therapy. See Initial Decision at 4. Further, Petitioner testified that he is concerned that if he is removed from the shelter that he will be unable to continue therapy or take his medications, and that he understands that this shelter is his "last chance." See Initial Decision at 4. Based on the facts presented, the ALJ concluded that the Agency had proven that Petitioner's behavior at the first and second shelters violated the rules of his placements when he engaged in threatening and/or disruptive behavior toward shelter staff, resulting in his termination of his placements. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.3(c)(3). Nevertheless, the ALJ found that Petitioner's failure to comply with appropriate behavior and shelter rules stemmed from his mental health issues, that the Agency had notice of such issues, and that the Agency had failed to prove that it had considered Petitioner's mental health barriers prior to its termination of his EA benefits, as required by regulatory authority. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(g). Based on the foregoing, the ALJ concluded that Petitioner had proven a good cause basis for his behavior at the prior placements, which led to his



termination from same, and as such, the Agency termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 4-5. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that any future violation of motel/shelter rules, or violation of his SP, may result in the termination of EA benefits, and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.3(c), (e), -6.6(a).

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

Officially approved final version. September 18, 2025

Natasha Johnson
Assistant Commissioner

