



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **09697-25 M.H.**

AGENCY DKT. NO. **C242002013 (MONMOUTH COUNTY DIV. 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 EA benefits ineligibility. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had violated the terms of her shelter agreement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 9, 2025 the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 10, 2025, the ALJ issued an Initial Decision, affirming the Agency's termination of EA benefits to Petitioner, and modifying, under specific circumstances, the Agency's imposition of a six-month EA ineligibility period.

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 hereby ADOPT the 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).

Here, the record reflects that the Agency referred Petitioner to a shelter on March 25, 2025, where Petitioner completed the shelter intake document and signed a form agreeing to the shelter's rules and procedures. See Initial Decision at 2; see also Exhibit R-1 at 10-11. Specifically, Petitioner agreed to abide by the shelter curfew of 9:00 p.m. Ibid. The following day, March 26, 2025, Petitioner arrived past the shelter curfew and signed a Notice of Shelter Zero Tolerance Policy Violation form which documented her violation of the shelter curfew. See Initial Decision at 2. The shelter director further testified that Petitioner received multiple verbal warnings regarding the shelter curfew, however, Petitioner violated curfew on subsequent dates including March 30, 2025, and April 1, 2025. Ibid. Due to the multiple curfew violations, the shelter terminated Petitioner's EA placement. Ibid. Beyond violating the shelter policies, the shelter director believed that Petitioner should undergo a mental health assessment, and referred her for same due to Petitioner's intake paperwork indicating Petitioner had a mental health diagnosis. See Initial Decision at 2; see also Exhibit R-1 at 10. Petitioner was required, as a condition of her placement at the shelter, to enroll in a "day program," however she did not enroll.



See Initial Decision at 2. Petitioner testified that, due to unreliable transportation, she had missed her curfew at the shelter. See Initial Decision at 3. Petitioner further testified that she did not want to be placed in a shelter, and that she refused a mental health assessment. Ibid. The Agency representative testified that the shelter was the most appropriate placement for Petitioner, and also that Petitioner was required to comply with a mental health assessment and receive any recommended treatment based upon such assessment. Ibid. The Agency offered to return Petitioner to the shelter placement, if Petitioner would participate in a mental health assessment, and abide by an appropriate treatment plan, however, Petitioner refused. Ibid.

Based on the foregoing, the ALJ found that the Agency's termination of EA benefits, due to Petitioner repeatedly violating the terms of the shelter policy was appropriate and must stand. See Initial Decision at 4; see N.J.A.C. 10:90-6.3(c). Further, the ALJ recognized that Petitioner's resistance to mental health therapy provided a barrier to her ability to comply with the shelter rules, however, the ALJ concluded that good cause may exist to waive the six-month period of ineligibility for Petitioner, conditioned upon Petitioner becoming compliant with her participation in a mental health assessment and mental health treatment. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(g). I agree and as such, based on Petitioner's particular mental health circumstances, I find that she may reapply for EA benefits, and the Agency shall assist her with such reapplication, as necessary. See Initial Decision at 5; see also N.J.A.C. 10:90-6.6(a). Further, Petitioner is advised that should she be found eligible for EA benefits, she is required to engage in mental health services/treatment(s), and to participate in the SAI/BHI program, and that such mandatory requirements shall be incorporated into her EA service plan ("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 failure to follow through with services to address those barriers may again result in a termination of EA benefits and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.6(a). The Agency's determination is modified to reflect the above findings.

By way of comment, Petitioner may reapply for EA benefits, but is again advised that it is the Agency who shall determine the most appropriate form of housing necessary to address her immediate need 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 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). Should Petitioner reapply, the Agency is to properly reassess and reevaluate Petitioner to determine an appropriate housing placement, taking into account Petitioner's mental health issues and whether or not she is currently receiving treatment for same.

By way of further comment, if Petitioner refuses to participate in a mental health assessment, and thereafter mental health treatment, the six-month period of ineligibility for EA benefits shall end on October 2, 2025, six-months from the effective date of the termination of EA benefits on April 2, 2025. See Exhibit R-1 at 20.

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

Officially approved final version. June 16, 2025

Natasha Johnson
Assistant Commissioner

