



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 **05061-25 R.G.**

AGENCY DKT. NO. **S658547012 (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 had violated motel rules, as well as violated the terms of his EA service plan ("SP"), resulting in termination from his motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 6, 2025, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record closed. On May 27, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, 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.*

Further, EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, "[t]hreatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents." See N.J.A.C. 10:90-6.3(c)(3), (5); see also DFD Instruction ("DFDI") No. 22-06-02. However, N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for other, less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e); see also DFDI No. 08-05-04 at 10.

Here, Petitioner had been receiving EA benefits and residing in a motel since January 2024, and had signed, most recently, on February 18, 2025, an Addendum to Service Plan Shelter/Motel Placement, an agreement, wherein he was informed that his EA benefits would be terminated if he was asked to leave the motel placement due to possessing a



weapon, using an instrument as a weapon, or engaging in threatening or disruptive behavior that affected the operations of the shelter or safety of other residents. See Initial Decision at 2-3; see also Exhibit R-4 and N.J.A.C. 10:90-6.6(a). On March 4, 2025, Petitioner and another motel resident engaged in a physical altercation at the motel, which included the use of a baseball bat, where law enforcement became involved, and prepared a police report which resulted in Petitioner being charged with criminal mischief with damage, aggravated assault, possession of a weapon with an unlawful purpose, and possession of a weapon. See Initial Decision at 3; see also Exhibit R-7. Following the altercation, the motel requested that Petitioner be removed from his placement. See Exhibit R-5. Petitioner's EA benefits were terminated on March 5, 2025 due to his violating the motel's rules, as well as his SP with the Agency. See Initial Decision at 3; see also Exhibits R-2, R-3, R-3, R-8, R-9. Petitioner did not dispute that his actions were wrong, but asserted that he acted out of fear for his life. See Initial Decision at 3.

In this matter, Petitioner violated the requirements for receipt of EA benefits by engaging in a physical altercation with another motel guest, which included the use of a weapon. See Initial Decision at 2-3; see also Exhibit R-7 and N.J.A.C. 10:90-6.3(c)(1), (3). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 4; see also Exhibit R-9 and N.J.A.C. 10:90-6.3(c)(1), (3). I agree.

By way of comment, because Petitioner has received continued assistance pending the outcome of this fair hearing, Petitioner is advised that his six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. June 16, 2025

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Natasha Johnson  
Assistant Commissioner

