



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

NATASHA JOHNSON
Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **07996-25 S.F.**

AGENCY DKT. NO. **C132302008 (GLOUCESTER 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 ineligibility for EA benefits. The Agency terminated EA benefits, and imposed a six-month EA ineligibility penalty, contending that she violated the rules of her shelter placement, resulting in her termination from said placement, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 13, 2025, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 1, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were received from Petitioner on July 7, 2025.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and hereby ADOPT the Initial Decision and AFFIRM the Agency's determination, based on the discussion below.

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).

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, threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents, or a violation of the shelter's health and safety policies, and possession of drugs or alcohol on premises. See N.J.A.C. 10:90-6.3(c)(3), (4), (5). 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 DFD Instruction 08-5-4 at 10. An adult EA recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e)(1).

Here, Petitioner applied for EA on October 22, 2024, and was placed, on an immediate need basis. See Initial Decision at 3; see also Exhibit R-1 at 3-5. Petitioner was advised at the time of her application that she must abide by the rules for the placement and signed an Immediate Need Program Requirements Form. See Initial Decision at 3; see also Exhibit R-1 at 7-13. Following her initial placement, the Agency terminated Petitioner's EA benefits on November 15, 2024, due to her failure to return to the shelter by the required curfew. See Initial Decision at 3; see also Exhibit R-1 at 14-15. Petitioner testified that she failed to meet curfew due to a domestic-violence situation including receipt of threatening text messages.



See Initial Decision at 4; see also Exhibit P-1. At that time, the Agency offered to place Petitioner on November 21, 2024 at a hotel and Petitioner failed to show at the placement. See Initial Decision at 3. On November 25, 2024, the Agency placed Petitioner at a hotel, providing an additional EA placement, even though Petitioner had prior violations. See Initial Decision at 3. On December 9, 2024, the Agency notified Petitioner that her EA benefits would not be extended on January 8, 2025, due to her failure to comply with her service plan ("SP"), as Petitioner had failed to provide necessary medical documentation as to why she could not be placed at a particular shelter. See Initial Decision at 3-4. Following the provision of the necessary medical documentation, Petitioner was placed at a different shelter effective February 1, 2025. See Initial Decision at 4; see also Exhibit R-1 at 21. At the time of her placement, Petitioner was advised of the rules of the shelter. See Initial Decision at 4; see also Exhibit R-2. On April 8, 2025, Petitioner missed curfew at the shelter and on the following date was informed by the Agency that she was no longer eligible for EA benefits. See Initial Decision at 4.

Petitioner testified that she had left the shelter to travel out of state in order to visit her father, who refused to drive Petitioner back to the shelter prior to the curfew. See Initial Decision at 4. Petitioner did call the shelter to inform them that she would not return prior to curfew; however, she did not provide any further updates and did not return to the shelter until the following morning. See Initial Decision at 4, 7. Based upon the shelter's policies, when Petitioner did not return by curfew, shelter employees packed her belongings, and during such process, discovered suspected drugs and/or drug paraphernalia in Petitioner's mattress cover, as well as food in her room. See Initial Decision at 4. Based upon the curfew violation and the items found in Petitioner's room, the Agency terminated Petitioner's EA benefits and imposed a six-month ineligibility period for EA benefits. See Initial Decision at 4; see also Exhibit R-1 at 47.

Petitioner testified that she took full responsibility for missing the shelter curfew on April 8, 2025, but explained that the situation was beyond her control and she had no transportation available to return to the shelter. See Initial Decision at 5. Petitioner denied that the drugs and/or drug paraphernalia found in her room belonged to her and contends that she had prior issues with other shelter residents entering her room and leaving items in her living space. See Initial Decision at 5-6. While the ALJ found Petitioner credible when she stated that she was stranded out of state and unable to return to the shelter, the ALJ found that a significant gap in time existed between when Petitioner represented that she would return to the shelter and when she actually returned to the shelter which cast doubt on whether Petitioner was making her return to the shelter "as expeditiously as possible." See Initial Decision at 7. Further, the ALJ found that the documentary evidence presented by Petitioner, in the form of a letter, was hearsay. Ibid. As to the drugs and/or drug paraphernalia found in Petitioner's room at the shelter, the ALJ found that the evidence presented by Petitioner to support the position that the items were not hers was hearsay, and no competent non-hearsay was presented to support her statements. See Initial Decision at 8. As to the food found in Petitioner's living space, Petitioner testified that this was an unintentional oversight, as her minor child had put snacks and a banana peel into her bookbag which was left in the room. Ibid. The ALJ found Petitioner's testimony credible as to this explanation and that while being in possession of food in the shelter room was a violation, it was not knowing or intentional. Ibid.

Based on the foregoing, the ALJ concluded that Petitioner had violated shelter rules, thereby causing her own homelessness, and as such, found that the Agency's termination of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 10; see also N.J.A.C. 10:90-6.1(c)(3), -6.3(c)(4), (e)(1), -6.6(a). I agree.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

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

Finally, the transmittal in this matter reflects additional contested issues pertaining to a termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, and a termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, which were not addressed in the Initial Decision. If Petitioner still has an issue with respect to the termination of SNAP and/or WFNJ/TANF benefits, she may request another fair hearing on those respective issues alone.

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



Officially approved final version.

August 14, 2025

Natasha Johnson

Assistant Commissioner

