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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **15798-25 W.N.**

AGENCY DKT. NO. **C102687018 (SOMERSET COUNTY BOARD 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 ineligibility, as well as the reduction of his Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") by 30 percent as payment towards his shelter costs. The Agency terminated Petitioner's EA benefits, contending that he refused appropriate housing offered by the Agency, in violation of his EA service plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2025, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 17, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations, in part, and reversing the Agency's determinations, in part.

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 AFFIRM the Agency's determinations in part, and REVERSE the Agency's determinations in part, based on the discussion below.

"Recipients of emergency assistance ["EA"], including those receiving [Supplemental Security Income ("SSI")], shall contribute 30 percent of their total household income towards payment of all emergency shelter arrangements, including utilities[.]" See N.J.A.C. 10:90-6.5(a).

As to the reduction of Petitioner's WFNJ/TANF benefits to contribute to shelter costs, Petitioner agreed to a Voluntary Restricted Payment ("VRP") of 30 percent of his WFNJ/TANF grant towards the cost of his housing. See Initial Decision at 2; see also Exhibit R-1 at 2(b). Thus, Petitioner is responsible to contribute 30 percent, or \$168, of his total WFNJ/TANF benefits of \$559 towards his temporary rental assistance pursuant to the WFNJ regulations. See Initial Decision at 2; see also Exhibit R-1 at 2(b). The VRP contribution was further included as a term of the EA service plan ("SP"), which was signed by Petitioner. See Initial Decision at 2; see also Exhibit R-1 at 3(c). Based on the foregoing, the ALJ concluded that Petitioner agreed to a VRP contribution towards the cost of housing, which was agreed upon within the EA SP. See Initial Decision at 5-6; see also Exhibit R-1 at 3(c), and N.J.A.C. 10:90-3.23(f)(1). Accordingly, the ALJ found that the Agency's reduction of the WFNJ/TANF benefit, to satisfy the VRP, must stand. *Ibid.* I agree, and further note that the 30 percent VRP is required in accordance with applicable regulatory authority. See N.J.A.C. 10:90-6.5(a).

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.

With respect to the termination of EA benefits, and the imposition of a six-month disqualification penalty, the Agency contends that Petitioner, his partner, A.H., and their infant child were offered, and refused, shelter placement on multiple occasions, and specifically on August 8, 2025, and on September 2, 2025. See Initial Decision at 3. The Agency representative testified that the shelter placement had been discussed on multiple occasions, and agreed upon in the EA SP signed by Petitioner and A.H. Ibid. The Agency representative further testified that Petitioner was difficult to place at motels/hotels due to previous issues and thus the Agency believed a shelter placement to be in the best interests of the assistance unit. Ibid. Petitioner's partner, A.H., testified that she was willing to be placed at the shelter but that, upon her intake interview at the shelter, she was informed that the shelter rules required that all shelter residents leave the shelter daily by 9:00 a.m. Ibid. A.H. was concerned that she did not have anywhere to go with her infant child during the hours she was required to leave the shelter. Ibid. In addition, A.H. expressed concern that she had no one to watch her child while she completed chores required by the shelter. Ibid. Petitioner additionally testified that having to leave the shelter for multiple hours per day would be difficult for A.H. and their child. See Initial Decision at 3.

The Agency representative provided further testimony that A.H. was exempted from the WFNJ/TANF work requirement for three months due to the birth of her child and that A.H. was not previously offered child care as she had no work requirement for benefits when she was being placed at the shelter. See Initial Decision at 4. Based upon the date of the hearing, the child is now three months old and thus, A.H. would be subject to the WFNJ/TANF work requirements and could receive childcare assistance in order to comply with such requirements. Ibid. In addition, the Agency representative testified that Petitioner had been waived from the work requirement due to asserted claims of domestic violence. Ibid. At the time of the hearing, the shelter placement was no longer available, which would make placement of the intact family difficult as the particular shelter is the only shelter which has available rooms for intact families. Ibid.

Based on the testimony and record provided, the ALJ concluded that Petitioner had refused the shelter placement offered by the Agency, but that Petitioner and A.H. presented good cause for the rejection of such shelter placement, specifically that Petitioner's child was less than three months of age when placement was offered and that no childcare was available due to his age. See Initial Decision at 4-6; see also N.J.A.C. 10:90-6.3(a)(1). Accordingly, the ALJ found that the Agency's termination of EA benefits, and the imposition of a six-month period of disqualification from the receipt of EA benefits, was improper and must be reversed. Ibid. I agree, but find that good cause for rejection of the shelter placement was shown because A.H., and the infant child, had nowhere to go for multiple hours each day and no access to transportation, rather than due to a lack of childcare. The Initial Decision is modified to reflect this finding.

By way of comment, Petitioners are reminded that, given their child's age, they should discuss child care needs with the Agency in order to comply with required WFNJ program requirements. Petitioners are further reminded that refusal of appropriate placement offered by the Agency, without good cause, may result in a termination of EA benefits and the imposition of a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.1(c)(3).

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determinations are AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version. September 26, 2025

Natasha Johnson
Assistant Commissioner

