State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
*Commissioner*

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 **08583-26 C.P.**

AGENCY DKT. NO. **S633492012** (**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 refused appropriate permanent housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 25, 2026, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 8, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 REVERSE 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.

Here, the record reveals that on May 6, 2026, the Agency sent Petitioner notification that his EA benefits would be terminated effective June 6, 2026, due to his failure to comply with the application process for a subsidized housing unit and for failure to comply with the terms of his EA service plan ("SP"). See Exhibit R-9; see also N.J.A.C. 10:90-6.3(a), -6.6(a). However, at the hearing, the Agency informed the tribunal that the termination of EA benefits was due to a failure to accept permanent housing. See Initial Decision at 2.

Petitioner, a Supplemental Security Income ("SSI") benefits recipient, has been receiving EA benefits, in the form of temporary housing, since 2024. See Initial Decision at 3; see also Exhibit R-1. On February 26, 2026, Petitioner signed an EA service plan ("SP"), wherein he initialed next to several paragraphs outlining his responsibilities under the terms of the SP. See Initial Decision at 3; see also Exhibit R-5. Of note, the paragraph within the SP which reads "I understand if I am placed in temporary housing, I must accept permanent affordable housing if offered to me," was not initialed by Petitioner. Ibid. On April 16, 2026, the Agency received a referral for permanent housing for Petitioner. See Initial Decision at 3; see also Exhibit R-7. On April 22, 2026, the Agency provided Petitioner with transportation to the permanent housing

placement, however, the transportation service took Petitioner to an incorrect address. See Initial Decision at 4; see also Exhibit R-1. Thereafter, Petitioner's EA benefits were terminated. See Initial Decision at 4; see also Exhibit R-9.

Based on the testimony and documentary record provided, the ALJ concluded that the Agency had failed to demonstrate, by a preponderance of the evidence, that Petitioner's EA benefits were properly terminated and that there was no proof presented that Petitioner had refused the housing offered, as he was transported to the incorrect address, through no fault of his own, and dropped off, with no further evidence being presented that other transportation was provided to correct the situation. See Initial Decision at 5. Accordingly, the ALJ found that the Agency's termination of Petitioner's EA benefits, which included "serious inconsistencies", and the imposition of a six-month period of EA ineligibility, were improper and must be reversed. Ibid. I agree.

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

Officially approved final version. October 29, 2026

Natasha Johnson
Assistant Commissioner