State of New Jersey

MIKIE SHERRILL
Governor

VACANT
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

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 **06080-26 F.T.**

AGENCY DKT. NO. **C117445003** (**BURLINGTON 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 Petitioner failed to comply with the terms of his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 27, 2026, the Honorable Samantha L. Price, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 10, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were received from Petitioner on September 21, 2026.

As Assistant Commissioner, Division of Family Development, 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 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. See 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. See 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.

"Recipients of emergency assistance ["EA"], including those receiving [Supplemental Security Income], 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).

Here, based on an independent review of the record, I find that Petitioner's EA benefits were terminated as indicated in the Agency's notification of March 23, 2026, effective April 20, 2026, which stated that Petitioner had violated the terms of his SP, which had been signed on January 4, 2026, as he failed to submit housing searches, failed to submit mental health treatment compliance documentation, failed to satisfy his monetary contribution to his housing costs, and caused the termination from his placement due to damaging shelter property. See Initial Decision at 2-3, see also Exhibits R-A, R-B, R-C. At the time of the hearing, the Agency representative testified that Petitioner failed to complete housing searches, and provide housing search logs, failed to provide proof of mental health treatment program compliance, and failed to contribute monthly towards his shelter costs. See Initial Decision at 2-3; see also Exhibit R-A. Further, on March 13, 2026,

the motel where Petitioner was housed contacted the Agency to terminate Petitioner's placement for failure to pay his portion of housing costs and for alleged destruction of motel property. See Initial Decision at 3; see also Exhibit R-B.

Following the testimonial and documentary evidence submitted at the time of the hearing, the ALJ found that Petitioner had no good cause regarding his failures to comply with the terms of his SP. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of six-month period of ineligibility for receipt of EA benefits, were proper and must stand. See Initial Decision at 2-5. While I agree with the ALJ's ultimate conclusion in this matter, the ALJ based her conclusion upon the regulatory authority at N.J.A.C. 10:90-6.1(c)(3), related to a client causing their own homelessness without good cause, rather than the proper regulatory authority included within the termination notification at N.J.A.C. 10:90-6.6(a). See Initial Decision at 2-5; see also Exhibit R-C. The Initial Decision is modified to reflect the applicable legal basis in this matter.

Further, the ALJ found that, regarding the termination of Petitioner from the motel, the Agency relied primarily upon a Notice to Quit alleging Petitioner did not pay his portion of his shelter costs and caused damage to the motel room. See Initial Decision at 4-5; see also Exhibit R-B. At the time of the hearing, Petitioner disputed such allegations, and the ALJ noted within the Initial Decision that the photographs produced were unclear, as well as undated. See Initial Decision at 5. Accordingly, the ALJ concluded that the hearsay statements from the letter produced, absent of any corroborating documentary evidence or testimony, would be used only for the limited purpose of establishing that Petitioner had been terminated from his placement. Ibid. I agree, as the ALJ previously held that the termination of EA benefits was proper based upon Petitioner's failure to comply with the terms of his EA SP.

In addition, the notice rules regarding EA benefits required that the Agency notify the benefits recipient, in writing, at least thirty days prior to the termination of benefits. See Initial Decision at 5; see also N.J.S.A. 44:10-5.1(f). In this matter, the initial termination notice (dated March 19, 2026), did not provide the appropriate thirty days, however, the Agency cured their procedural error by sending a revised termination notice (dated March 23, 2026), and continued to provide benefits for the requisite thirty days to Petitioner. Ibid. Therefore, the ALJ concluded that Petitioner was not harmed by the notice error, as it was corrected timely, and Petitioner continued to receive EA benefits. Ibid. 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.

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

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

Officially approved final version. October 15, 2026

Natasha Johnson
Assistant Commissioner