



State of New Jersey

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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 16527-25 J.H.

AGENCY DKT. NO. **C225116013 (MONMOUTH 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 Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for December 5, 2025, but was adjourned at the request of the Agency and rescheduled for December 19, 2025. Prior to that hearing date occurring, Petitioner requested an adjournment, which was granted and the hearing was again rescheduled. On January 9, 2026, the Honorable Andrea Spevak, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 28, 2026, 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, 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 determinations, 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 emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of and complying with a written and signed service plan. Ibid. If a recipient fails to comply with the service plan, without good cause, then the recipient's EA benefits must be terminated for a period of six months. Ibid.

Here, the record reveals that Petitioner applied for EA benefits on February 16, 2024, and later was granted an EA extension, supported by a MED-1 form, on February 1, 2025. See Initial Decision at 2-3; see also Exhibit R-1. Following a referral from the Agency, Petitioner was admitted to a behavioral health out-patient treatment program on March 11, 2025, however, he ceased participation in the program in May, 2025, at which time the Agency initially terminated his EA benefits on May 21, 2025. See Initial Decision at 3; see also Exhibit R-1. On May 28, 2025, Petitioner returned to the treatment program and executed a new SP on June 1, 2025, which required Petitioner to attend the treatment program five days per week. Ibid. Following Petitioner's attendance at the program, the Agency rescinded the May, 2025 EA termination. Ibid. On August 1, 2025, Petitioner executed another SP which included his required attendance at the treatment program five days per week. Ibid. Following the signing of the August, 2025 SP, Petitioner was often late or absent from the treatment program, and stopped attending the treatment program in late August, 2025. Ibid. On August



19, 2025, Petitioner was discharged from the treatment program due to his breach of the program's attendance contract. Ibid. Also on August 19, 2025, the Agency terminated Petitioner's EA benefits for failure to attend the treatment program, as required by his SP, among other termination reasons cited within the termination notification including failure to submit housing searches, having a positive drug test, and failure to assist with his Supplemental Security Income ("SSI") appeal, and imposed a six-month EA ineligibility penalty. Ibid.; see also Exhibit R-1 and N.J.A.C. 10:90-6.6(a).

Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month period of ineligibility for EA benefits were proper and must stand. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.6(a). I agree.

By way comment, as Petitioner has received continued assistance pending the outcome of the fair hearing, Petitioner is advised that the six-month EA ineligibility penalty shall begin to run as of the date of issuance of this Final 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 determinations are AFFIRMED, as outlined above.

Officially approved final version. March 18, 2026

Natasha Johnson
Assistant Commissioner

