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 **08586-26 J.M.**

AGENCY DKT. NO. **S614832012** (**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 she had violated the terms of her EA service plan ("SP"). 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, affirming the Agency's determinations.

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 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. 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. 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. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

Here, the ALJ found, and the record substantiates, that Petitioner was in receipt of EA benefits, and, on March 16, 2026, Petitioner executed her EA SP, wherein she agreed, among other things, to submit proof of weekly housing searches. See Initial Decision at 4; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.6(a). On April 21, 2026, the Agency sent Petitioner a termination notice due to her failure to comply with the submission of housing search logs, in accordance with the terms of her EA SP. Ibid.; see also Exhibit R-8.

The ALJ found, and the record reflects, that Petitioner failed to comply with the terms contained in her SP, with no good cause credibly shown, by continually failing to provide proof of housing searches. See Initial Decision at 4; see also Exhibits R-2, R-8, and N.J.A.C. 10:90-6.6(a). 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. 10:90-6.3(c) and (e), which relate to an EA recipient

violating motel/shelter rules, 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 Exhibits R-2, R-8. The Initial Decision is modified to reflect these findings with respect to the applicable legal basis in this matter.

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

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.

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

Officially approved final version. October 20, 2026

Natasha Johnson
Assistant Commissioner