



State of New Jersey

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

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 **06643-26 J.S.**

AGENCY DKT. NO. **C190126015 (OCEAN 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 ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he violated shelter placement rules by smoking and having guests in his room. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 1, 2026, the Honorable Susan McCabe, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 12, 2026, the ALJ issued an Initial Decision, affirming 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, violations of health and safety policies. See N.J.A.C. 10:90-6.3(c)(1) and -6.3(c)(3). However, N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for other, less severe, minor violations of a facility's policies, such as visitation or curfew. See N.J.A.C. 10:90-6.3(e); see also DFD Instruction 08-5-4 at 10. An adult EA recipient who incurs two or more terminations for such less severe violations is subject to the loss of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(e)(1).

Here, the record reflects that Petitioner applied for EA benefits on April 9, 2026, and, following approval of his application by the Agency, was placed at a motel on April 10, 2026. See Initial Decision at 3. Petitioner signed the "Client Agreement-Temporary Shelter," which included a specific notice that his EA benefits would be terminated, and a six-month EA ineligibility penalty imposed, for failure to comply with the placement rules, specifically for "violation of health and safety policies, including, but not limited to, smoking in undesignated areas, and burning candles or incense in the room," as well as for violating policies regarding overnight guests. See Initial Decision at 3; see also Exhibit R-2 and N.J.A.C. 10:90-6.3(c). In addition, Petitioner executed an EA service plan ("SP") on April 10, 2026, wherein he agreed to comply with all shelter rules of his placement. See Exhibit R-3. On April 24, 2026, the motel requested that the Agency terminate Petitioner's placement due to his violations of motel rules—specifically his failure to comply with the guest policy and no smoking policy. See Initial Decision at 3; see also Exhibit R-4. Following the receipt of the request to terminate Petitioner's



placement from the motel, on April 27, 2026, the Agency sent Petitioner a termination notification advising that his EA benefits would be terminated, effective May 27, 2026, for failure to follow shelter rules, and that Petitioner would be ineligible to receive EA benefits for a period of six months. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(vi), -6.3(c)(5), -6.6.

At the time of the hearing, the ALJ based her conclusion upon the regulatory authority included within the termination notification at N.J.A.C. 10:90-6.1(c)(3)(vi). See Initial Decision at 2-4. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 2-4; see also Exhibit R-1.

While I agree with the ALJ's ultimate conclusion in this matter, in instances such as this, where violations of motel/shelter rules are at issue, it is the type of motel/shelter rule violation which is controlling, not the regulatory authority set forth at N.J.A.C. 10:90-6.1(c)(3), the causing of one's own homelessness. See N.J.A.C. 10:90-6.3(c) versus N.J.A.C. 10:90-6.3(e). The Initial Decision is modified to reflect these findings with respect to the applicable legal basis in this matter.

By way of comment, Petitioner is advised that his six-month EA ineligibility penalty shall run from May 27, 2026, the effective date of the EA termination, through November 27, 2026. See Exhibit R-1.

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 MODIFIED, and the Agency's determination is AFFIRMED.

Officially approved final version. May 19, 2026

Natasha Johnson
Assistant Commissioner

