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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 14132-25 K.W.

AGENCY DKT. NO. C094612008 (GLOUCESTER 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 she had violated her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 22, 2025, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 29, 2025, the ALJ issued an Initial Decision, affirming, in part, and reversing, in part, 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision, and AFFIRM in part, and REVERSE in part, 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 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.* (emphasis added).

N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for 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 ("DFDI") No. 08-05-04 at 10. An adult EA benefits 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, and was approved for same, on July 9, 2025. See Initial Decision at 2; see also Exhibit R-2. The EA approval notification sent to Petitioner by the Agency indicated that she was scheduled to meet with her Agency social worker on July 16, 2025, in order to complete her EA SP. See Initial Decision at 3; see also Exhibit R-2. The Notification Form was sent to the shelter placement of Petitioner, and the mail was not returned to the Agency. See Initial Decision at 3. Petitioner missed the meeting scheduled for July 16, 2025, and on July 25, 2025, the Agency sent Petitioner a Notification Form terminating Petitioner's EA benefits effective July 21, 2025,



due to missing her scheduled appointment on July 16, 2025 and due to missing curfew at her shelter placement on July 21, 2025. See Initial Decision at 3; see also Exhibit R-1 at 2-3. On July 30, 2025, Petitioner went to the Agency, having received the Notification Form terminating her EA benefits, and completed and signed the EA SP. See Initial Decision at 3; see also Exhibit R-1 at 18-23. At the time of the hearing, Petitioner testified that she never received the Notification Form and was unaware of her scheduled appointment at the Agency on July 16, 2025, noting that shelter residents were required to sign for all mail received at the shelter and that she never signed for that mail. See Initial Decision at 3. The ALJ in this matter found that Petitioner was in violation of N.J.A.C. 10:90-6.6(a) due to her failure to participate in the meeting scheduled with her social worker for the purpose of formulating and reviewing her EA SP. See Initial Decision at 7. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. *Ibid.* I agree. However, the ALJ further concluded that the failure to attend such meeting is not identified as a basis for which a six-month disqualification period for EA benefits may be imposed, and as such, reversed the imposition of such disqualification. See Initial Decision at 7-8; see also N.J.A.C. 10:90-6.1(c)(3), -6.3(c), (e), (f), and -6.6(a). With respect to this conclusion, I disagree with the ALJ, as N.J.A.C. 10:90-6.6(a) mandates the imposition of a six-month EA ineligibility penalty when it has been found that an SP violation has occurred. As the ALJ found that Petitioner had violated her EA SP, a six-month EA penalty must be imposed, and as such, the Agency's determination on this basis must be affirmed. See N.J.A.C. 10:90-6.6(a). The ALJ's Initial Decision is modified to reflect this finding.

In addition, the Agency based their termination upon a violation of shelter rules due to Petitioner allegedly missing curfew at the shelter on July 21, 2025. See Initial Decision at 3; see also Exhibit R-2. The ALJ in this matter found that the Agency failed to present a shelter representative with personal knowledge to provide any testimony as to this issue, and as such, the ALJ found that the termination of benefits, based on this allegation, was inadmissible at the time of the hearing. *Ibid.*; see also N.J.A.C. 1:1-15.5(b) ("Notwithstanding the admissibility of hearsay evidence, some legally competent evidence must exist to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness."). Accordingly, the ALJ concluded that the Agency was unable to sustain its burden regarding the termination of the Petitioner's EA benefits based upon a violation of the shelter rules, and that any decision by the Agency to impose a disqualification period for EA benefits, based upon such violation, was not appropriate and cannot stand. See Initial Decision at 8. I also agree and note that, even had the curfew violation been substantiated, one curfew violation alone does not require termination of EA benefits and the imposition of a six-month EA penalty, as such violation is considered a less severe violation under the regulations and will only result in a termination after two or more such less severe violations. See N.J.A.C. 10:6.3(e)(1)(i).

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determinations are AFFIRMED in part, and REVERSED, in part, as outlined above.

Officially approved final version. February 18, 2026

Natasha Johnson
Assistant Commissioner

