



State of New Jersey

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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 **09176-26 M.L.**

AGENCY DKT. NO. **C196611003 (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 he caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 15, 2026, the Honorable John K. Maloney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 28, 2026, the ALJ issued an Initial Decision, rejecting the Agency's determination.

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 **REJECT** the ALJ's Initial Decision, and **MODIFY** the Agency's determination, 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, "[t]hreatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents; or violation of the shelter's health and safety policies." See N.J.A.C. 10:90-6.3(c)(3), (5).

Here, the record reveals that, Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, applied for EA benefits on December 8, 2025, and was placed, along with his partner, in an EA motel placement. See Initial Decision at 2; see also Exhibit R-6. On January 2, 2026, in relation to Petitioner's WFNJ/GA case, a MED-1 form was submitted to the Agency which included mental health diagnoses and treatment. See Initial Decision at 2-3; see also Exhibit P-8. At the hearing, the Agency representative testified that the MED-1 form submitted was not reviewed by the Agency representative handling Petitioner's EA benefits, as the MED-1 was submitted to the WFNJ/GA unit. See Initial Decision at 3; see also Exhibit R-7. Subsequently, on April 27, 2026, the Agency was provided with updated information regarding Petitioner's mental health condition, wherein it was indicated that his mental health had worsened, and he required twice weekly therapy. See Initial Decision at 3; see also Exhibit P-1.

On April 8, 2026, the motel informed the Agency that the Petitioner would be terminated from the placement due to having an unauthorized dog, in violation of the Rules and Regulations for Emergency Shelter Placement that he had signed on December 11, 2025. See Initial Decision at 3; see also Exhibits R-1, R-2. On April 9, 2026, the Petitioner was relocated to a different motel. See Initial Decision at 3; see also Exhibit R-3.



On May 11, 2026, the Agency received information from the second motel placement regarding a “domestic violence incident” involving Petitioner and his partner, which led to Petitioner being arrested at the motel after law enforcement broke down the motel room door, at which time he was found to be “heavily intoxicated” and “made suicidal threats.” See Initial Decision at 3; see also Exhibit R-4. A review of the documentary record in this case includes information from the Petitioner’s psychiatric treatment center admission, wherein medical professionals note that Petitioner was taken into custody following a multiple hour police stand-off at the motel. See Initial Decision at 3-4; see also Exhibit P-10. The Agency terminated Petitioner’s motel placement on May 12, 2026, due to the incident which occurred, and for being incarcerated, and imposed a six-month ineligibility period for receipt of EA benefits. See Exhibit R-5. Petitioner was hospitalized for psychiatric treatment until May 19, 2026, and upon discharge, was incarcerated in the County jail until May 28, 2026. See Initial Decision at 4. On May 29, 2026, Petitioner went to the Agency, at which time he was provided with the May 12, 2026, termination notification. Ibid.

On July 1, 2026, Petitioner filed a new EA application, which was accepted by the Agency, who offered Petitioner placement in transitional housing. See Initial Decision at 5. Petitioner refused transitional housing, citing his mental health issues, at which time the Agency again terminated Petitioner’s EA benefits. Ibid. On July 7, 2026, Petitioner’s psychotherapist authored correspondence to the Agency indicating that, due to Petitioner’s mental health issues, she recommended “hotel-based housing.” Ibid.

An independent review of the record reveals that the Agency’s adverse action in this matter was based upon Petitioner causing his own homelessness, under N.J.A.C. 10:90-6.1(c)(3), which led to the ALJ analyzing the matter under such regulatory framework. I find that the Agency improperly relied upon N.J.A.C. 10:90-6.1(c)(3) in this matter, and, as such, the Agency’s adverse action notice is modified to reflect that in cases such as this, involving motel/shelter rule violations for threatening/disruptive behavior, the applicable legal basis is N.J.A.C. 10:90-6.3(c)(3), not causing one’s homelessness under N.J.A.C. 10:90-6.1(c)(3). See Exhibit R-5.

Due to the regulation cited in the adverse action notice, the ALJ found that the Agency, due to the MED-1 of January 2, 2026, as well as the therapist correspondence of April 27, 2026, were noticed of Petitioner’s mental health conditions. See Initial Decision at 7-8. Additionally, the ALJ found that the Agency had failed to refer Petitioner for a mental health assessment prior to the termination of his benefits. See Initial Decision at 10; see also N.J.A.C. 10:90-6.1(c)(1)(iii)(2). As such, the ALJ found that Petitioner’s EA benefits were improperly terminated, based upon the regulatory authority set forth in the Agency’s adverse action notice, as the Agency was aware of Petitioner’s mental health, and should have had Petitioner assessed to determine if the “incident resulted from his mental illness.” See Initial Decision at 11.

I respectfully disagree. Rather, based on the discussion above, as well as the record presented, the Agency’s termination of EA benefits, and the imposition of a mandatory six-month EA ineligibility penalty, were proper and must stand. The record in this matter clearly substantiates that Petitioner violated shelter placement rules by engaging in threatening/disruptive actions, without good cause, resulting in the Agency imposing a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.3(c)(3).

Further, the ALJ determined that EA benefits may still be available for an applicant with a perceived lack of a realistic capacity to engage in advance planning, “where the [EA] applicant demonstrates functional incapacity, for example... a mental or cognitive impairment that would prevent them from planning for or securing substitute housing.” See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Based on the circumstances presented, the ALJ concluded that Petitioner’s mental health issues left him without a realistic functional capacity to avoid the behaviors that contributed to his homelessness, and therefore, the Agency’s imposition of a six-month period of ineligibility regarding Petitioner’s receipt of EA benefits was improper and must be reversed. See Initial Decision at 11; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Again, I disagree, as, although Petitioner’s mental health may be considered, in accordance with correct applicable regulatory authority in this matter, N.J.A.C. 10:90-6.3(c)(3), and the facts presented, good cause has not been demonstrated, and the six-month EA ineligibility period must stand. Moreover, the record reflects that Petitioner is receiving treatment for his mental health issues.

Separately, Petitioner went to the Agency on July 10, 2026, as the Agency agreed to provide a motel placement while his fair hearing was pending. See Initial Decision at 5. At that time, the only available placement was located outside of the county. Ibid. The ALJ found that placement outside of the county’s geographic boundaries was not permissible. See Initial Decision at 10-11. While the ALJ is correct in stating that policy favors the individual remaining within the county, in practice this is not always feasible or possible due to available rooms or special accommodations such as motel vendors who will accept pets, and as such, I disagree that the offer of an out-of-county placement was “not appropriate” and find that the ALJ cannot order that the Agency not consider an out-of-county placement. See Initial Decision at 11.

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



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

Officially approved final version. September 16, 2026

Natasha Johnson
Assistant Commissioner

