



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
Lt. Governor

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 **19148-25 N.R.**

AGENCY DKT. NO. **S442889001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

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 Petitioner caused his own emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 5, 2026, the Honorable William T. Cooper III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 6, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 MODIFY 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, possession of a weapon or an instrument used as a weapon after entry into the shelter, and threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents. 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, based on an independent review of the record, I find that Petitioner's EA benefits were terminated as indicated in the Agency's notification of October 29, 2025, which states that Petitioner had lost his shelter, at two different shelter placements, due to his behavior towards staff, and other shelter residents, including threatening staff and residents with a weapon. See Exhibit R-1 at 4. At the time of the hearing, the ALJ based his 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; see also Exhibit R-1. Based on the foregoing, 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.

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 and the Agency determination are both 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 his 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 his current needs, including Social Services for the Homeless.

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

Officially approved final version. March 18, 2026

Natasha Johnson
Assistant Commissioner

