



# State of New Jersey

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*Governor*

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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 15644-25 S.H.

AGENCY DKT. NO. S664738012 (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 failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 4, 2025, and continuing on December 17, 2025, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 5, 2026, 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, Department of Human Services, following an independent review of the record, I hereby MODIFY the Initial Decision and MODIFY 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.* (emphasis added)

Here, the ALJ found, and the record substantiates, that Petitioner applied for EA benefits on November 20, 2024, on behalf of herself, her partner, and five minor children. See Initial Decision at 2; see also Exhibit R-1. On that same date, Petitioner executed an EA SP, wherein she agreed, among other things, to 1) submit proof of weekly housing and employment searches; 2) to pay the thirty percent contribution towards shelter costs; and 3) to comply with the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF) program known as TANF Initiative for Parents ("T.I.P.") Program. See Initial Decision at 2-3; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). Additional EA SPs were executed by Petitioner and her partner on March 5, 2025, and on May 28, 2025. See Initial Decision at 3; see also Exhibits R-2, R-3. On May 28, 2025, the Agency sent Petitioner a letter requesting various documentation related to her EA benefits, which were due back to the Agency by June 27, 2025. See Initial Decision at 4; see also Exhibit R-5.



On July 9, 2025, the Agency sent Petitioner a Termination Notice indicating that Petitioner had 1) failed to submit weekly housing search logs as of June 6, 2025; 2) failed to verify the spend down of a lump sum Supplemental Security Income (“SSI”) payment; 3) failed to pay her thirty percent contribution for housing as of July, 2025; 4) failed to submit weekly employment search logs as of June 6, 2025; and 5) failed to comply with the T.I.P. program. See Initial Decision at 4; see also Exhibit R-6.

Following receipt of the Termination Notice, Petitioner submitted housing search logs to the Agency, to bring such searches current. See Initial Decision at 4; see also Exhibit R-7. The ALJ found that the Agency accepted such housing search logs, thus eliminating this as a basis for termination of EA benefits. See Initial Decision at 12. I agree. The Agency’s determination is modified to reflect this finding.

On or about September 9, 2025, Petitioner submitted information to the Agency regarding the SSI lump sum payment, as well as bank statements and receipts and the Agency made no further argument regarding this basis for the termination of benefits at the time of the hearing. See Initial Decision at 6.

Next, the Agency argued that Petitioner violated her SP by not paying her contribution towards shelter costs, pursuant to N.J.A.C. 10:90-6.5(a). According to the May 28, 2025, EA SP, the 30 percent contribution was calculated to be \$533, effective June 1, 2025. See Initial Decision at 15; see also Exhibit R-4. At that time, Petitioner was in receipt of WFNJ/TANF benefits, which were used to off-set the contribution amount to the motel, such that the Agency deducted \$486 from the WFNJ/TANF benefits from the total owed of \$533, leaving Petitioner a balance contribution amount of \$47 per month. See Initial Decision at 15. There is substantial back and forth within the record, and at the time of the hearing, regarding the correct amount due to the motel, which may have resulted from an Agency calculation error, which was exasperated when motel management was unable to communicate the correct balance due to Petitioner. See Initial Decision at 5-9, 15; see also Exhibit R-14. As of November 25, 2025, the motel emailed the Agency, stating that the shelter contribution had not been paid during the months of July, August, September, or October, 2025. See Initial Decision at 5; see also Exhibit R-12. To resolve the outstanding balance, Petitioner’s partner paid the motel \$270 in cash, on December 17, 2025, for October, November, and December, 2025. See Initial Decision at 6-7; see also Exhibit P-1. At the time of the hearing, Petitioner’s partner testified that the Agency failed to inform her of the amount that was due to the motel and that the motel operator would state they did not know the correct balance or that there was a zero balance when payments were attempted. See Initial Decision at 6. Further, at the hearing, an Agency representative testified that Petitioner had failed to pay \$89 contribution in July, 2025, \$47 contribution in August, 2025, and \$533 contribution for September, October, and November, 2025, when the Agency was unable to withdraw funds from Petitioner’s WFNJ/TANF benefits to assist with the shelter payment. See Initial Decision at 9. As the ALJ concluded, “testimony reveals that there remains a question of whether [Petitioner’s] lack of payment was the result of intentional or negligent recalcitrance or was more the function of a lack of communication by the Agency.” See Initial Decision at 16. Based on the foregoing, the ALJ concluded that the Agency failed to meet its burden of proof, by a preponderance of the evidence, that Petitioner failed to comply with her SP by not paying her contribution towards shelter costs. See Initial Decision at 16. I agree, and, based upon the record presented, note that it is difficult to determine if any remaining balance is due to the motel. Further, the ALJ concluded that the imposition of a six-month EA ineligibility penalty was improper. *Ibid.*; see also N.J.A.C. 10:90-6.3(g). With respect to the ALJ’s conclusion regarding the EA ineligibility penalty, 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.

As to Petitioner’s failure to submit employment searches, Petitioner argued that she submitted a WFNJ-5S(DEP) to the Agency on September 9, 2025, which may have excepted her from the need to perform such searches, however, the Agency has no record of receiving such form. See Initial Decision at 6, 12; see also Exhibit P-2. At the time of the hearing, Petitioner’s partner testified that a MED-1 form was sent to the Agency, however, the Agency representative testified that no MED-1 form had been received by the Agency. See Initial Decision at 9, 14. While the WFNJ-5S(DEP) was entered into evidence at the time of the hearing, the ALJ noted that the form did not include a patient name, nor indicate any association with Petitioner. See Initial Decision at 14. Based on the foregoing, the ALJ found that the Agency had met its burden by a preponderance of the evidence that Petitioner violated her SP by not submitting the employment search logs or a valid exemption form. *Ibid.*; see also N.J.A.C. 10:90-6.6(a). I agree.

Lastly, as to Petitioner’s failure to comply with the T.I.P. program, Petitioner was referred to such program on November 20, 2024, March 5, 2025, and May 28, 2025, by her Agency caseworkers. See Initial Decision at 5; see also Exhibit R-8. As of the date of the Termination Notice on July 9, 2025, the T.I.P. program supervisor indicated that all attempts to contact and enroll Petitioner in the program were unsuccessful. See Initial Decision at 5; see also Exhibit R-9. Based on the foregoing, the ALJ found that the Agency failed to meet its burden of proof, by a preponderance of the evidence, that



Petitioner failed to comply with the T.I.P. program, citing that compliance with such program is not mandatory, pursuant to regulation at N.J.A.C. 10:90-5.16. See Initial Decision at 17. Specifically, the ALJ pointed to testimony that the Agency social worker indicated that program participation would be on hold until other termination issues were resolved. Ibid. I agree.

In summary, the ALJ found, and the record reflects, that Petitioner failed to comply with the requirements contained in her SP, with no good cause credibly shown, by failing to provide proof of employment searches, or an appropriate exemption form to the Agency. See Initial Decision at 17; see also N.J.A.C. 10:90-6.6(a). The Agency's termination of Petitioner's EA benefits is upheld on this basis. Ibid. Additionally, the mandatory six-month EA ineligibility penalty, imposed by the Agency in accordance with regulatory authority, is also affirmed. See N.J.A.C. 10:90-6.6(a).

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

Officially approved final version. March 05, 2026

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Natasha Johnson  
Assistant Commissioner

