State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
Commissioner

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 **08592-26 S.M.**

AGENCY DKT. NO. **C089609008** (**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 shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 7, 2026, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 27, 2026, the ALJ issued an Initial Decision, reversing 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 Initial Decision, and REVERSE 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, threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents, or a violation of the shelter's health and safety policies, and possession of drugs or alcohol on premises. See N.J.A.C. 10:90-6.3(c)(3), (4), (5). 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 reveals that Petitioner applied for EA benefits on April 21, 2026, at which time she was temporarily placed at a motel. See Initial Decision at 5; see also Exhibit R-1. On May 14, 2026, a shelter placement became available, and Petitioner was relocated to the shelter. Ibid. On May 23, 2026, Petitioner signed herself out of the shelter and did not return that night to the shelter. Ibid. The following day, Petitioner phoned the shelter and indicated that she would not be returning that night. Ibid. On May 26, 2026, the shelter completed an early termination for Petitioner, indicating that she had missed curfew on May 23, 2026. See Initial Decision at 6; see also Exhibit R-1. On May 26, 2026, the Agency terminated Petitioner's EA benefits and imposed a six-month period of ineligibility for EA benefits, citing that she had failed to comply with shelter rules. Ibid.; see also N.J.A.C. 10:90-6.3(e), (f).

At the time of the hearing, the ALJ found that the Agency failed to provide any testimony or documentary evidence that Petitioner received any intake packet at the shelter, including a copy of the shelter rules, which may have set forth the curfew requirements. See Initial Decision at 6-8. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, without proof that Petitioner had received and acknowledged the shelter rules as to curfew, and the imposition of a six-month EA ineligibility period for violation of shelter rules, were improper and must be reversed. See Initial Decision at 8.

I agree with the ALJ's ultimate conclusion in this matter, but note that in instances such as this, where violations of motel/shelter rules are at issue, it is the type and number of motel/shelter rule violation(s) which is controlling, and not an EA service plan violation issue, as referenced by the ALJ in the Initial Decision. See Initial Decision at 1, 8; see also N.J.A.C. 10:90-6.6(a) 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.

Additionally, I note that the record in this matter included documentation pertaining to other previous instances of motel/shelter rule violations. See Exhibit R-1. However, I find that these occurrences are too remote in time to be considered with respect to the present matter.

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

Officially approved final version. October 20, 2026

Natasha Johnson
Assistant Commissioner